

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officer SHANNON SPALDING, )  
Chicago Police Officer DANIEL ECHEVERRIA, ) Case No. 12-cv-8777  
 )  
 Plaintiffs, )  
 )  
 )  
 v. )  
 )  
 )  
 CITY OF CHICAGO, *et al.*, )  
 )  
 )  
 Defendants. )

**EXHIBIT LIST FOR DEFENDANTS' LOCAL  
RULE 56.1(a) STATEMENT OF UNDISPUTED MATERIAL FACTS**

**Exhibit A.** Plaintiffs' First Amended Complaint ("FAC")

**Exhibit B.** Defendants' Answer to First Amended Complaint ("Answer to FAC")

**Exhibit C.** The Deposition of Shannon Spalding ("Spalding Dep."), along with cited deposition exhibits

**Exhibit D.** The Deposition of Daniel Echeverria ("Echeverria Dep."), along with cited deposition exhibits

**Exhibit E.** The Deposition of Tina Skahill ("Skahill Dep.")

**Exhibit F.** The Deposition of Nicholas Roti ("Roti Dep.")

**Exhibit G** The Declaration of Nicholas Roti ("Roti Decl.")

**Exhibit H** The Deposition of James O'Grady ("O'Grady Dep.")

**Exhibit I** The Deposition of James Padar ("Padar Dep.")

**Exhibit J** The Deposition of Juan Rivera ("Rivera Dep.")

**Exhibit K** The Declaration of James O'Grady ("O'Grady Decl.")

**Exhibit L** The Deposition of Maurice Barnes ("Barnes Dep.")

**Exhibit M** The Deposition of Robert Cesario ("Cesario Dep.")

<b>Exhibit N</b>	The Declaration of Robert Cesario (“Cesario Decl.”)
<b>Exhibit O</b>	The Deposition of Joseph Salemme (“Salemme Dep.”)
<b>Exhibit P</b>	The Deposition of Thomas Mills (“Mills Dep.”)
<b>Exhibit Q</b>	The Declaration of Joseph Salemme (“Salemme Decl.”)
<b>Exhibit R</b>	The Declaration of Maurice Barnes (“Barnes Decl.”)
<b>Exhibit S</b>	The Declaration of Thomas Mills (“Mills Decl.”)
<b>Exhibit T</b>	Rules of Conduct
<b>Exhibit U</b>	The Deposition of Lou Reiter (“Reiter Dep.”)

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officers SHANNON  
SPALDING and DANIEL ECHEVERRIA,

Plaintiffs,

v.

CITY OF CHICAGO, Chicago Police Chief  
JUAN RIVERA, Chicago Police Chief  
DEBRA KIRBY, Chicago Police Commander  
JAMES O'GRADY, Chicago Police Chief  
NICHOLAS ROTI, Chicago Police Lt. KEVIN  
SADOWSKI, Chicago Police Lt. DEBORAH  
PASCUA, Chicago Police Commander  
ADRIENNE STANLEY, Chicago Police  
Sergeant MAURICE BARNES, Chicago  
Police Lt. ROBERT CESARIO, Chicago  
Police Commander JOSEPH SALEMME,  
Chicago Police Sergeant THOMAS MILLS,

Defendants.

No. 12 C 8777

Judge Gary Feinerman

Magistrate Judge Sheila M. Finnegan

**AMENDED COMPLAINT**

NOW COME Plaintiffs, SHANNON SPALDING and DANIEL ECHEVERRIA, by and through their attorneys, Smith, Johnson & Antholt, LLC, complaining of Defendants and alleging as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction of the action pursuant to the Civil Rights Act, 42 U.S.C. § 1983, 28 U.S.C. § 1331 and 1343(a), and the Constitution of the United States; it also has supplemental jurisdiction under 28 U.S.C. § 1337.

2. Venue is proper under 28 U.S.C. § 1391(b). On information and belief, all defendants reside in this judicial district, and the events giving rise to the claims asserted herein occurred within the district.

### **The Parties**

3. Plaintiff Shannon Spalding is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

4. Plaintiff Officer Daniel Echeverria is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

5. Defendant City of Chicago is now and was at all times complained of a municipality incorporated in the State of Illinois and the employer of the individually named Defendants.

6. Defendant Chief Juan Rivera is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

7. Defendant Chief Debra Kirby is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

8. Defendant Commander James O'Grady is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his

individual capacity.

9. Defendant Chief Nicholas Roti is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

10. Defendant Lieutenant Kevin Sadowski is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

11. Defendant Lieutenant Deborah Pascua is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

12. Defendant Commander Adrienne Stanley is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

13. Defendant Sergeant Maurice Barnes is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

14. Defendant Lieutenant Robert Cesario is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of

while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

15. Defendant Commander Joseph Salemme is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

16. Defendant Sergeant Thomas Mills is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

#### **STATEMENT OF FACTS**

17. In 1996, Plaintiff Shannon Spalding was appointed as a police officer with the City of Chicago. She has an exemplary record and is a highly decorated officer.

18. In 1999, Plaintiff Daniel Echeverria was appointed as a police officer with the City of Chicago. He has an exemplary record and received numerous commendations between 1999 and 2010.

19. In May 2006, Plaintiffs were assigned to the “Narcotics Division,” Unit 189, where their work involved pro-active police efforts to combat drug crimes. They worked to develop confidential informants, obtain and conduct search warrants and conducted conspiracy investigations.

20. In 2007, while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers.

21. One of those officers was Sergeant Ronald Watts, who Plaintiffs had learned was involved in the narcotics trade and was using his police powers to extort drug dealers.

22. Over time, Plaintiffs learned more and more credible information that Sgt. Watts and his cohort were extorting drug dealers by demanding payments to keep them free of arrest and/or prosecution.

23. In 2007, while off-duty, Plaintiffs reported to the Federal Bureau of Investigation, Special Agent “P.S.” the illegal activity by Sgt. Watts and others who worked with him.

24. Plaintiffs continued to meet with Special Agent “P.S.,” who was assigned to the bureau’s public corruption unit, intermittently through 2008 to discuss the information on Sgt. Watts that they continued to learn. Plaintiffs always did so while off-duty and in their personal capacities.

25. After approximately a year of speaking to the F.B.I. in their personal capacities, the F.B.I. agents began to request that Plaintiffs spend more time assisting on the case. Because additional involvement with the investigation would encroach on their professional time, Plaintiffs responded that it would have to be conducted through the Chicago Police Department.

26. In August 2008, F.B.I. special agents met with the then-Chief of the Internal Affairs Division (“IAD”) for the Chicago Police Department to discuss the Watts investigation.

27. At a meeting with the F.B.I. and the Chief of IAD, Plaintiffs were informed that they would be joining the investigation in their official capacity as police officers. The federal investigation was highly confidential and Plaintiffs’ identities and involvement in the case were to remain confidential.

28. Certain CPD command staff knew of Plaintiffs’ involvement in the federal Watts

investigation (known as “Operation Brass Tax”), including the Superintendent of Police, former-Deputy Superintendent (now Chief) Kirby, and the Chief of IAD (subsequently, Defendant Juan Rivera).

29. Thereafter, although Plaintiffs remained assigned to the Narcotics Unit, they were detailed to “Detached Services,” Unit 543, and reported directly to F.B.I. headquarters to work on Operation Brass Tax.

30. Over the next several years Plaintiffs continued to work on Operation Brass Tax. During that time, they were also encouraged by CPD command staff to develop other narcotics related cases, which overlapped with their work on Operation Brass Tax.

31. On an unknown date, information that Plaintiffs had reported criminal misconduct by a sworn officer and were working with an outside investigation was leaked within the Department and became known to Defendant Commander O’Grady.

32. Defendant O’Grady was the Commander of Unit 189, Plaintiffs’ unit of assignment.

33. In August 2010, Defendant O’Grady began a campaign of harassment and retaliation that persists to this day.

34. On approximately August 17, 2010, Plaintiffs were developing a narcotics case, as they were previously approved to do. Plaintiffs submitted paperwork to Defendant O’Grady, seeking approval of a confidential informant. Although he initially approved the application, upon learning that it had been submitted by Plaintiffs, he rescinded the approval.

35. Defendant O’Grady then informed supervising personnel in the unit that Plaintiffs were “rats,” meaning that they had reported other police officers’ misconduct. Defendant O’Grady ordered that the unit was not to work with Plaintiffs and personnel in the unit should

not assist Plaintiffs.

36. By interfering with their ability to develop narcotics cases in their unit of assignment, Defendant O'Grady intentionally prohibited Plaintiffs from earning overtime.

37. Although Plaintiffs were thereafter prevented from working overtime in Unit 189, other officers in the unit were able to use the intelligence provided by Plaintiffs to develop one or more successful narcotics cases and to earn overtime.

38. On one or more dates, multiple Defendants discussed with one another the handling or treatment of Plaintiffs. At one such meeting, Plaintiffs' possible reassignment within the Department was discussed. In response, Defendant O'Grady referred to Plaintiffs as "rats" and stated that he did not want Plaintiffs working in his unit.

39. During the meeting, on information and belief, Defendant O'Grady stated words to the effect of, "God help them if they ever need help on the street, it ain't coming."

40. Instead of putting a stop to his subordinate's retaliation against Plaintiffs, Defendant Chief Nicholas Roti, who was also was present at the meeting, concurred with Defendant O'Grady.

41. Defendant Chief Roti is the head of the Bureau of Organized Crime, which includes the Narcotics Division, the Gang Enforcement Division, and the Gang Investigation Division (which includes most of the Department's Task Forces, as well as the Vice and Intelligence Sections).

42. Defendant Chief Roti fostered, allowed, agreed to and encouraged the retaliation against Plaintiffs at this meeting and in the years that followed.

43. Although Plaintiffs' years of exemplary police work made them a perfect fit for the Bureau of Organized Crime, Defendant Chief Roti would not allow Plaintiffs to work in any

unit in the Bureau.

44. Plaintiffs were informed that none of the “bosses” wanted them in their units and that their “careers are over.”

45. In or near late May 2011, then-Deputy Superintendent (now, Chief) Defendant Debra Kirby caused Plaintiffs to be removed from their detail to Unit 543, Detached Services.

46. At that time, the Deputy Superintendent of Detached Services, Beatrice Cuello, called Defendant Kirby to confirm that Plaintiffs were working on an undercover investigation and that the paperwork was in place.

47. Despite her knowledge of Plaintiffs’ detail to the federal investigation, Defendant Kirby falsely denied even knowing Plaintiffs or knowing that Plaintiffs were involved with any investigation. She did so knowing that this denial would jeopardize Plaintiffs’ detail.

48. Based upon Defendant Kirby’s denials, Deputy Superintendent Cuello believed Plaintiffs had lied about their roles in the Watts investigation. As a result, Plaintiffs were kicked out of Unit 543.

49. Despite having years of experience conducting undercover operations, eavesdropping operations, developing informants and other valuable police work, Defendants O’Grady and Roti would not allow Plaintiffs to return to any unit within Organized Crime including their own unit of assignment.

50. Because Plaintiffs had been labeled “rats” in the Department, they lost their specialized assignments, weekends and holidays off, take-home vehicles, and the ability to work unlimited overtime.

51. Plaintiffs were therefore detailed to the Police Academy for the next three weeks.

52. During their time at the Police Academy, Plaintiffs often did nothing more than sit

at desks. Other times they sat in on recruit or other courses, sometimes the same course repeatedly for no reason other than that no one knew why Plaintiffs were there.

53. Plaintiffs were effectively on “house arrest” in retaliation for having investigated fellow officers.

54. Although Plaintiffs complained to Defendant Chief Rivera about the retaliatory re-assignment to the Police Academy, he failed to take any action.

55. Around the end of July 2011, Plaintiffs were moved to the Inspections Division, Unit 126.

56. They remained detailed to Unit 126, Inspections until March 2012. Throughout that time Plaintiffs were subjected to harassment and hostility, which was directed by their immediate supervisor, Defendant Lt. Pascua.

57. Defendant Lt. Pascua called Plaintiffs, “rat motherf---ers” and told them that she did not want them in the unit.

58. Defendant Lt. Pascua spread the word among their co-workers that Plaintiffs were “rats” and no one should talk to them.

59. Throughout their time in Unit 126, Defendant Lt. Pascau gave Plaintiffs few legitimate work assignments. Most of their time was spent sitting at desks idle or being forced to chauffeur Defendant Lt. Pascua, often on personal errands.

60. Defendant Lt. Pascua threatened to put a false case on Plaintiffs, saying “f--- them from narcotics...I’m a lawyer and know how to put a case together...I’m gonna work on getting them f---ing launched.”

61. On September 13, 2011, Plaintiffs met with their commanding officer, Defendant

Commander Stanley and informed her of ongoing retaliation and hostile work environment in the unit. After being told of the retaliation, Defendant Stanley said, “I don’t want to hear this, I don’t want to know.”

62. Defendant Commander Stanley did nothing to stop the retaliation or Lt. Pascua’s inappropriate conduct including that she did not initiate a Complaint Register (“C.R.”) about the retaliation as she was required to do by Department policy. By allowing the retaliation against Plaintiffs to continue unabated in her unit Defendant Commander Stanley condoned, encouraged, and agreed to the retaliation.

63. Likewise, Defendant Chief Rivera knew of the constant retaliation against Plaintiffs but allowed it to continue unabated including that he refused to initiate an I.A.D. investigation into the harassment and retaliation.

64. After Commander Stanley failed to address the retaliation, Defendant Lt. Sadowski joined in Lt. Pascua’s campaign by repeatedly attempting to lodge false allegations of wrongdoing against Plaintiffs.

65. In November 2011, as another manifestation of the City of Chicago’s policy against investigating fellow officers, two Sergeants of the Internal Affairs Division told Plaintiffs “sometimes you have to turn a blind eye” to misconduct.

66. In October 2011, Plaintiffs were called back to assist the F.B.I. with the completion of Operation Brass Tax.

67. Plaintiffs continued to work on the case with the F.B.I. until the successful arrests and indictments of Sgt. Ronald Watts and Officer Kallat Mohammed in February 2012.

68. Because Plaintiffs had already been established to be “rats,” Defendant Chief Roti ordered that they were not allowed to return to the narcotics unit “or any other division of

Organized Crime.”

69. As a result, Plaintiffs were forced to return to Unit 126, which was an undesirable position as well as a hostile work environment due to the continued retaliation and harassment.

70. When Plaintiff Spalding again asked Defendant Chief Rivera to initiate a C.R. investigation for a hostile work environment after she began to suffer anxiety attacks, Rivera refused to acknowledge the request.

71. In repeatedly refusing to initiate a C.R. investigation into the hostile work environment, Defendant Chief Rivera condoned, encouraged, agreed to and allowed the retaliation to continue unabated.

72. Plaintiffs were not given assignments with Unit 126 and were again made to sit idly, sometimes for up to eight hours a day.

73. On March 20, 2012, Plaintiffs were detailed to the Bureau of Detectives, Fugitive Apprehension, Unit 606. Within that Unit, Plaintiffs were assigned to the United States Marshal’s Task Force.

74. Defendant Joseph Salemme was the Commander of Fugitive Apprehension; Defendant Robert Cesario was Plaintiffs’ Lieutenant in the unit; and Defendant Sgt. Maurice Barnes was Plaintiffs’ immediate supervisor on the U.S. Marshal’s Task Force Team.

75. Upon information and belief, on or around the day of their initial detail to the U.S. Marshal’s Task Force Team, Defendant O’Grady went out of his way to personally inform Plaintiffs’ new supervisors that they were “rats” and should be treated accordingly.

76. Defendant Sgt. Barnes thereafter informed Plaintiffs’ new team that they were “rats,” that Plaintiffs should not be trusted or backed up by the team.

77. At one point, Defendant Sgt. Barnes removed Plaintiffs from a high profile case

to which they had been assigned; because they were “rats,” Plaintiffs would not be allowed to work the case.

78. When Plaintiff Spalding tried to talk to Sgt. Barnes in an effort to prevent further retaliation, Sgt. Barnes repeatedly referenced that Plaintiffs had brought down a sergeant (referring to Watts).

79. Sgt. Barnes told Plaintiff Spalding that the team hated them and would not back them up if they were in need. He stated words to the effect of, “I don’t want to tell your daughter you’re coming home in a box because the team won’t help you on the street.”

80. On or about June 20, 2012, Plaintiffs were ordered to meet with Defendants Commander Salemme, Lt.Cesario and Sgt. Barnes at Unit 606 headquarters.

81. Defendants Commander Salemme, Lt.Cesario and Sgt. Barnes removed Plaintiffs from the Marshal’s Taskforce Team, located on the far Southside, where they worked days (7 a.m. to 3 p.m. Defendants had Plaintiffs placed on a team located on the Northside, working the third watch (4 p.m. to 12 p.m.).

82. During the meeting, Defendant Commander Salemme told Plaintiffs words to the effect of, “you brought this baggage on yourselves … if you go against sworn personnel you know this will happen.”

83. Defendant Lt. Cesario said words to the effect of, Plaintiffs were being sent “up north” and would not get a take-home car, Marshal’s pay, overtime or be deputized. He made clear, “that will never happen for you.”

84. When Plaintiffs were initially assigned to the Task Force, they had been informed that when positions opened up for deputation by the U.S. Marshals, they—like other members

of the Task Force—would be deputized.

85. Shortly after Plaintiffs were removed from the Task Force Team, dozens of positions for officers to be deputized as U.S. Marshals opened up. After Plaintiffs' removal from the team, other officers with less seniority than Plaintiffs were brought into Unit 606 and deputized while Plaintiffs were passed up.

86. In fact, since then, dozens of other officers in the Fugitives Apprehension Unit have been deputized by the U.S. Marshals including other officers from Plaintiffs' current team. As Lt. Cesario promised, however, Plaintiffs have been continually passed up for deputization.

87. On June 23, 2012, Plaintiffs contacted Defendant Chief Rivera from I.A.D. to lodge another complaint. Again, their complaint was ignored.

88. On June 25, 2012, Plaintiffs were reassigned to a nighttime fugitive apprehension team and relocated to the Northside of Chicago. This reassignment was a step backwards for Plaintiff professionally, as well as an inconvenience.

89. On August 17, 2012, Sgt. Watts' co-conspirator, Officer Mohammed pled guilty to extorting drug dealers. In his plea, he described the criminal misconduct going back to at least 2007.

90. Around the same time, Defendant Commander O'Grady "banned" Plaintiff Spalding from entering Chicago Police Headquarters at Homan Square, where she was assigned a locker.

91. Plaintiffs' own supervisor, Defendant Lt. Cesario, stressed that Plaintiff should "heed the warning that O'Grady doesn't want you there."

### **Retaliation Resulting from the Lawsuit and Speech in the Media**

92. On November 1, 2012, Plaintiffs filed the original civil action in this case

complaining of the above-described retaliation.

93. Following the filing, Chicago area media publicized Plaintiffs' reporting of the Watts' criminal misconduct and the Department-wide effort to punish Plaintiffs for reporting police corruption.

94. While accounts of the prevalence of the code of silence among Chicago Police Department rank-and-file have been widely reported for years, Plaintiffs' case shed new light on Department's top ranking members explicit enforcement of the code of silence.

95. Plaintiffs appeared in the media, including local television and newspapers telling of the years of retaliation that they endured at the hands of their superiors.

96. As a result, Plaintiffs experienced new and additional retaliation.

97. Prior to the lawsuit, Plaintiffs' current supervisor, Defendant Sgt. Mills seemed to defend Plaintiffs in the face of the retaliation coming from outside the team.

98. Since the filing of the lawsuit, and Plaintiffs' related media appearances, Plaintiffs have faced retaliation within the team, including that they are now ostracized and are no longer included in team activities.

99. Defendant Sgt. Mills regularly brings up the fact that Plaintiffs have a lawsuit and are making allegations against the "bosses."

100. Defendant Sgt. Mills constantly is badgering Plaintiffs making their day to day work more difficult. For example, Sgt. Mills insists that even when the team is working on the Southside, Plaintiffs must return to the Northside office to check-off while the rest of the team is allowed to leave directly from the Southside.

101. Defendant Sgt. Mills has ordered Plaintiffs to only return to the team's office for check-off at the end of the day. Other officers freely come and go from the office while Plaintiffs

risk ridicule and harassment if they do so.

102. Defendant Sgt. Mills has repeatedly made it difficult for Plaintiffs to work overtime hours while the rest of the team does so without hindrance.

103. Defendant Sgt. Mills has prevented Plaintiffs from working up cases, as well as excluded them from team arrests, while simultaneously threatening to remove Plaintiffs from the team for “not producing” (arrests).

104. On one occasion when Plaintiffs were allowed to pursue the arrest of a felon who was known to be violent and dangerous, Plaintiffs were assured by their team that the team would be present for the necessary back-up and support.

105. However, when Plaintiffs arrived as scheduled, their team was nowhere in sight. Instead, they received a text from Defendant Sgt. Mills stating, “be careful.”

106. In light of the danger presented by the suspect, Plaintiffs took this to be a threat to their safety and well-being.

#### **COUNT I –FIRST AMENDMENT RETALIATION**

107. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

108. The First Amendment to the United States Constitution guarantees Plaintiffs’ rights to speak out on matters of public concern without fear of unjust retaliation.

109. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by reporting on the criminal misconduct and corruption of Sgt. Watts, Officer Mohammed and others to the F.B.I.

110. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by filing this civil action and speaking out in the media about the

retaliation that they have faced and the prevalence of the code of silence within the Chicago Police Department.

111. As a result of their exercise of protected speech, Defendants City of Chicago, Chief Rivera, Chief Kirby, Commander O'Grady, Chief Roti, Lieutenant Pascua, Commander Stanley, Sergeant Barnes, Lieutenant Sadowski, Lieutenant Cesario, Commander Salemmi, and Sergeant Mills retaliated against Plaintiffs in the manner described in the preceding paragraphs.

112. Retaliation against Plaintiffs was devised, approved and carried out by individuals with final policymaking authority with respect to the actions taken, including as follows:

a. By authority delegated to him by the Chicago City Council, the Superintendent of Police is responsible for the general management and control of the police department, and has full and complete authority to administer the department. The Superintendent has the power and the duty to administer the affairs of the department as its chief administrative officer, including to make appointments, promotions, transfers and to take disciplinary action against department employees; to appoint, discharge, suspend or transfer employees; and to issue instructions to department employees in the line of their duties.

b. Within the Department, the Superintendent has delegated certain policymaking authority to his Chiefs, including Defendants Kirby, Rivera and Roti.

c. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were responsible for the retaliatory re-assignments and effective demotions to Plaintiffs.

d. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were aware of the retaliation against Plaintiffs, described above, and knowingly allowed it to continue unabated thereby encouraging, fostering and causing the retaliation.

113. The misconduct described in this Count was the result of Defendant City of Chicago's deliberate indifference to the policies and widespread practices described more fully above and in that:

a. Municipal policymakers are aware of, condone and facilitate by their inaction, a "code of silence" in the Chicago Police Department, by which officers understand that they should cover for each other unconditionally and that failure to do so amounts to a betrayal.

b. Municipal policymakers are aware of, condone and facilitate by their inaction, the enforcement of the "code of silence" within the Department through the retaliation against officers who do report the misconduct of other officers.

c. The City Council's Committee on Police and Fire has recognized the existence of the code of silence within the Chicago Police Department but has failed to take the necessary steps to protect officers who break the Code of Silence and suffer retaliation as a result.

d. As a matter of both policy and practice, the City of Chciago directly encouraged, and was thereby the moving force behind the very type of misconduct at issue here by failing to adequately supervise, discipline, and control its officers, such that its failure to do so manifests deliberate indifference.

e. As a matter of both policy and practice, the City of Chicago facilitated the very type of misconduct at issue here by allowing it to continue as a matter of practice within the Department, thereby leading Chicago police officers to believe that the code of silence will be enforced throughout the Department and, in that way, directly encouraging future abuses.

f. As a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department who have dared to speak out about the

misconduct of others have experienced retaliation a manner similar to that alleged by Plaintiffs.

114. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**COUNT II – CONSPIRACY VIA 42 U.S.C. § 1983**

115. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

116. As described in the preceding paragraphs, Defendants, acting in concert with other known and unknown conspirators, reached an understanding to deprive Plaintiffs of their Constitutional rights.

117. Plaintiffs were deprived of their Constitutional rights in the manner described in the preceding paragraphs.

118. That in furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity with state actors under color of law.

119. That the misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

120. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**COUNT III – VIOLATION OF THE ILLINOIS WHISTLEBLOWER PROTECTION ACT**

121. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

122. The City of Chicago was at all times complained of Plaintiffs' employer as defined in 740 ILCS § 174/5.

123. Plaintiffs were at all times complained of employees of the City of Chicago as defined in 740 ILCS § 174/5.

124. The City of Chicago and its employees and agents were prohibited according to 740 ILCS § 174/15 from retaliating against Plaintiffs for disclosing to the F.B.I. what they reasonably believed and in fact knew were multiple violations state and federal laws by Watts, Mohammed and other Chicago Police Officers.

125. The City of Chicago retaliated against Plaintiffs in the manner described in the preceding paragraphs as a result of their reporting of the criminal misconduct.

126. As a result of the aforesaid retaliation, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

WHEREFORE, pursuant to 42 U.S.C. Section 1983 and applicable state law, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages and, because the individual Defendants acted maliciously, wantonly, or oppressively, Plaintiffs seek punitive damages against them in their individual capacity, in addition to the costs of this action and attorneys' fees, and such other and additional relief as this court deems equitable and just.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

RESPECTFULLY SUBMITTED,

/s/Amanda Antholt  
\_\_\_\_\_  
Attorney for Plaintiff

Amanda Antholt  
Christopher R. Smith  
Robert W. Johnson

James Baranyk  
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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that the foregoing *Corrected* Amended Complaint was served on counsel for all Defendants by electronic means May 29, 2013.

/s/ Amanda Antholt

# Exhibit B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officer SHANNON SPALDING	)	
and Chicago Police Officer DANIEL	)	
ECHEVERRIA,	)	
	)	No. 12 C 8777
Plaintiffs,	)	
	)	Judge Gary Feinerman
v.	)	
	)	Magistrate Judge Sheila M. Finnegan
CITY OF CHICAGO, Chicago Police Chief	)	
JUAN RIVERA, Chicago Police Chief	)	
DEBRA KIRBY, Chicago Police Commander	)	
JAMES O'GRADY, Chicago Police Chief	)	
NICHOLAS ROTI, Chicago Police Lt. KEVIN	)	
SADOWSKI, Chicago Police Lt. DEBORAH	)	
PASCUA, Chicago Police Commander	)	
ADRIENNE STANLEY, Chicago Police	)	
Sergeant MAURICE BARNES, Chicago Police	)	
Lt. ROBERT CESARIO, Chicago Police	)	
Commander JOSEPH SALEMME, Chicago	)	
Police Sergeant THOMAS MILLS,	)	
	)	
Defendants.	)	
	)	

**CERTAIN DEFENDANTS' ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT**

Defendants, City of Chicago (the “City”), James O’Grady (“O’Grady”), Nicholas Roti (“Roti”), Kevin Sadowski (“Sadowski”), Debra Pascua (“Pascua”), Adrienne Stanley (“Stanley”), Maurice Barnes (“Barnes”), Robert Cesario (“Cesario”), Joseph Salemme (“Salemme”) and Thomas Mills (“Mills”) (collectively referred to herein as the “Individual Defendants” and the City and the Individual Defendants are collectively referred to herein as the “Defendants”), by their attorneys, Drinker Biddle & Reath LLP, for their answer and affirmative defenses to the Amended Complaint of Plaintiffs Shannon Spalding (“Spalding”) and Daniel Echeverria (“Echeverria”) (collectively, “Plaintiffs”), state as follows:

### **Jurisdiction and Venue**

1. This Court has jurisdiction of the action pursuant to the Civil Rights Act, 42 U.S.C. § 1983, 28 U.S.C. § 1331 and 1343(a), and the Constitution of the United States; it also has supplemental jurisdiction under 28 U.S.C. § 1337.

**ANSWER:** Defendants state that the allegations of Paragraph 1 constitute legal conclusions for which no answer is required. Further answering, Defendants admit that this Court has subject matter jurisdiction over this action.

2. Venue is proper under 28 U.S.C. § 1331(b). On information and belief, all defendants reside in this judicial district, and the events giving rise to the claims asserted herein occurred within the district.

**ANSWER:** Defendants state that the allegations of Paragraph 2 constitute legal conclusions for which no answer is required. Further answering, Defendants admit that venue is proper in this judicial district.

### **The Parties**

3. Plaintiff Shannon Spalding is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

**ANSWER:** Defendants admit that Spalding is and has been since 1996 a police officer employed by the City. Defendants lack knowledge or information sufficient to admit or deny that Plaintiff is or was a resident of Chicago, Illinois. Defendants deny the remaining allegations of Paragraph 3.

4. Plaintiff Officer Daniel Echeverria is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

**ANSWER:** Defendants admit that Echeverria is and has been since 1999 a police officer employed by the City. Defendants lack knowledge or information sufficient to admit or deny that Plaintiff is or was a resident of Chicago, Illinois. Defendants deny the remaining allegations of Paragraph 4.

5. Defendant City of Chicago is now and was at all times complained of a municipality incorporated in the State of Illinois and the employer of the individually named Defendants.

**ANSWER:** Defendants admits that the City of Chicago is now and was at all times complained of a municipality incorporated in the State of Illinois and admits that the City of Chicago was the employer of the individually named defendants for certain periods of time. Defendants deny the remaining allegations of Paragraph 5.

6. Defendant Chief Juan Rivera is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Rivera is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Rivera, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Rivera in his individual capacity. Defendants deny that Rivera engaged in any unlawful conduct and deny the remaining allegations of Paragraph 6.

7. Defendant Chief Debra Kirby is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

**ANSWER:** Defendants admit that Kirby was employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Kirby, she was acting under color of law and within the scope of her employment, and admit that Plaintiffs purport to bring this action against Kirby in her individual capacity. Defendants deny that Kirby engaged in any unlawful conduct and deny the remaining allegations of Paragraph 7.

8. Defendant Commander James O'Grady is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that O'Grady was employed as an officer by the City for a period of time, admit that during all times alleged as it relates to O'Grady, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against O'Grady in his individual capacity. Defendants deny that O'Grady engaged in any unlawful conduct and deny the remaining allegations of Paragraph 8.

9. Defendant Chief Nicholas Roti is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity

**ANSWER:** Defendants admit that Roti is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Roti, he was acting under color of law and within the scope of his employment and admit that Plaintiffs purport to bring this action against Roti in his individual capacity. Further answering, Defendants deny that Roti engaged in any unlawful conduct and deny the remaining allegations of Paragraph 9.

10. Defendant Lieutenant Kevin Sadowski is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Sadowski is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Sadowski, he was acting under color of law and within the scope of his employment and admit that Plaintiffs purport to bring this action against Sadowski in his individual capacity. Defendants deny that Sadowski engaged in any unlawful conduct and deny the remaining allegations of Paragraph 10.

11. Defendant Lieutenant Deborah Pascua is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

**ANSWER:** Defendants admit that Pascua is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Pascua, she was acting under color of law and within the scope of her employment, and admit that Plaintiffs purport to bring this action against Pascua in her individual capacity. Defendants deny that Pascua engaged in any unlawful conduct and deny the remaining allegations of Paragraph 11.

12. Defendant Commander Adrienne Stanley is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

**ANSWER:** Defendants admit that Stanley is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Stanley, she was acting under color of law and within the scope of her employment, and admit that Plaintiffs purport to bring this action against Stanley in her individual capacity. Defendants deny that Stanley engaged in any unlawful conduct and deny the remaining allegations of Paragraph 12.

13. Defendant Sergeant Maurice Barnes is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Barnes is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Barnes, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Barnes in his individual capacity. Further answering, Defendants deny that Barnes engaged in any unlawful conduct and deny the remaining allegations of Paragraph 13.

14. Defendant Lieutenant Robert Cesario is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Cesario is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Cerario, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Cesario in his individual capacity. Defendants deny that Cesario engaged in any unlawful conduct and deny the remaining allegations of Paragraph 14.

15. Defendant Commander Joseph Salemme is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Salemme is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Salemme, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Salemme in his individual capacity. Defendants deny that Salemme engaged in any unlawful conduct and deny the remaining allegations of Paragraph 15.

16. Defendant Sergeant Thomas Mills is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Mills is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Mills, he was acting under color of law and within the scope of his employment and admit that Plaintiffs purport to bring this action against Mills in his individual capacity. Further answering, Defendants deny that Mills engaged in any unlawful conduct and deny the remaining allegations of Paragraph 16.

#### **STATEMENT OF FACTS**

17. In 1996, Plaintiff Shannon Spalding was appointed as a police officer with the City of Chicago. She has an exemplary record and is a highly decorated officer.

**ANSWER:** Defendant City admits that Spalding was appointed as a police officer with the City in 1996, and denies the remaining allegations of Paragraph 17. The Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 17.

18. In 1999, Plaintiff Daniel Echeverria was appointed as a police officer with the City of Chicago. He has an exemplary record and received numerous commendations between 1999 and 2010.

**ANSWER:** Defendant City admits that Echeverria was appointed as a police officer with the City in 1999, admits that Echeverria received certain commendations during his employment with the City, and denies the remaining allegations of Paragraph 18. The Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 18.

19. In May 2006, Plaintiffs were assigned to the “Narcotics Division,” Unit 189, where their work involved pro-active police efforts to combat drug crimes. They worked to develop confidential informants, obtain and conduct search warrants and conducted conspiracy investigations.

**ANSWER:** Defendants City, O’Grady and Roti admit that in or about May 2006, Plaintiffs were assigned to Unit 189, Narcotics Division, admit that their work included police efforts to combat drug crimes, admit that, among other things, Plaintiffs at certain times worked to develop confidential informants, obtain and conduct search warrants and conduct conspiracy investigations, and deny the remaining allegations of Paragraph 19. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 19.

20. In 2007, while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 20.

21. One of those officers was Sergeant Ronald Watts, who Plaintiffs had learned was involved in the narcotics trade and was using his police powers to extort drug dealers.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 21.

22. Over time, Plaintiffs learned more and more credible information that Sgt. Watts and his cohort were extorting drug dealers by demanding payments to keep them free of arrest and/or prosecution.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 22.

23. In 2007, while off-duty, Plaintiffs reported to the Federal Bureau of Investigation, Special Agent "P.S." the illegal activity by Sgt. Watts and others who worked with him.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 23.

24. Plaintiffs continued to meet with Special Agent "P.S." who was assigned to the bureau's public corruption unit, intermittently through 2008 to discuss the information on Sgt. Watts that they continued to learn. Plaintiffs always did so while off-duty and in their personal capacities.

**ANSWER:** On information and belief, Defendants deny that Plaintiffs met with and discussed information regarding Sgt. Watts with Special Agent P.S. in their "personal capacities." Answering further, Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 24.

25. After approximately a year of speaking to the F.B.I. in their personal capacities, the F.B.I. agents began to request that Plaintiffs spend more time assisting on the case. Because additional involvement with the investigation would encroach on their professional time, Plaintiffs responded that it would have to be conducted through the Chicago Police Department.

**ANSWER:** Defendants deny that Plaintiffs spoke to the F.B.I. in their "personal capacities." Defendant City admits that Plaintiffs spent time working on the Watts investigation as police officers through the Chicago Police Department. Answering further, Defendants state they are

without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 25.

26. In August 2008, F.B.I. special agents met with the then-Chief of the Internal Affairs Division ("IAD") for the Chicago Police Department to discuss the Watts investigation.

**ANSWER:** Defendant City admit that in or about August 2008, one or more F.B.I. agents met with the then-Chief of the IAD for the Chicago Police Department and discussed the Watts investigation, and denies the remaining allegations of Paragraph 26. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 26.

27. At a meeting with the F.B.I. and the Chief of IAD, Plaintiffs were informed that they would be joining the investigation in their official capacity as police officers. The federal investigation was highly confidential and Plaintiffs' identities and involvement in the case were to remain confidential.

**ANSWER:** Defendant City admits that Plaintiffs spent time working on the Watts investigation as police officers through the Chicago Police Department, admits that the federal investigation was confidential and that information concerning the investigation and Plaintiffs' identities and involvement was shared on a need to know basis, and denies the remaining allegations of Paragraph 27. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 27.

28. Certain CPD command staff knew of Plaintiffs' involvement in the federal Watts investigation (known as "Operation Brass Tax"), including the Superintendent of Police, former-Deputy Superintendent (now Chief) Kirby, and the Chief of IAD (subsequently, Defendant Juan Rivera).

**ANSWER:** Defendant City admits, on information and belief, that at some point Kirby and Rivera had knowledge of Plaintiffs' involvement in the Watts investigation. Answering further, Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 28.

29. Thereafter, although Plaintiffs remained assigned to the Narcotics Unit, they were detailed to “Detached Services,” Unit 543, and reported directly to F.B.I. headquarters to work on Operation Brass Tax.

**ANSWER:** Defendant City admits that for a period of time, Plaintiffs remained assigned to the Narcotics Unit but were detailed to “Detached Services,” Unit 543. Further answering, Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 29.

30. Over the next several years Plaintiffs continued to work on Operation Brass Tax. During that time, they were also encouraged by CPD command staff to develop other narcotics related cases, which overlapped with their work on Operation Brass Tax.

**ANSWER:** Defendant City admits that Plaintiffs worked on Operation Brass Tax as Chicago police officers for a certain period of time, denies that Plaintiffs were encouraged by CPD command staff to develop narcotics related cases which overlapped with Operation Brass Tax, and denies the remaining allegations of Paragraph 30. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 30.

31. On an unknown date, information that Plaintiffs had reported criminal misconduct by a sworn officer and were working with an outside investigation was leaked within the Department and became known to Defendant Commander O’Grady.

**ANSWER:** Defendants City and O’Grady admit that at some point O’Grady became aware that Plaintiffs were working on a federal investigation, and deny the remaining allegations of Paragraph 31. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 31.

32. Defendant O’Grady was the Commander of Unit 189, Plaintiffs’ unit of assignment.

**ANSWER:** Defendants City and O’Grady admit that O’Grady was the Commander of Unit 189 when Plaintiffs were assigned to Unit 189, and deny the remaining allegations of Paragraph 32.

Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 32.

33. In August 2010, Defendant O'Grady began a campaign of harassment and retaliation that persists to this day.

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 33. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 33.

34. On approximately August 17, 2010, Plaintiffs were developing a narcotics case, as they were previously approved to do. Plaintiffs submitted paperwork to Defendant O'Grady, seeking approval of a confidential informant. Although he initially approved the application, upon learning that it had been submitted by Plaintiffs, he rescinded the approval.

**ANSWER:** Defendants City and O'Grady admit that in or about August 2010, Plaintiffs submitted paperwork seeking approval of a confidential informant, admit that O'Grady did not approve the application because Plaintiffs at the time were detailed to another unit and were not officers working for the Bureau of Organized Crime, and deny the remaining allegations of Paragraph 34. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 34.

35. Defendant O'Grady then informed supervising personnel in the unit that Plaintiffs were "rats," meaning that they had reported other police officers' misconduct. Defendant O'Grady ordered that the unit was not to work with Plaintiffs and personnel in the unit should not assist Plaintiffs.

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 35. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 35.

36. By interfering with their ability to develop narcotics cases in their unit of assignment, Defendant O'Grady intentionally prohibited Plaintiffs from earning overtime.

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 36. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 36.

37. Although Plaintiffs were thereafter prevented from working overtime in Unit 189, other officers in the unit were able to use the intelligence provided by Plaintiffs to develop one or more successful narcotics cases and to earn overtime.

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 37. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 37.

38. On one or more dates, multiple Defendants discussed with one another the handling or treatment of Plaintiffs. At one such meeting, Plaintiffs' possible reassignment within the Department was discussed. In response, Defendant O'Grady referred to Plaintiffs as "rats" and stated that he did not want Plaintiffs working in his unit.

**ANSWER:** Defendants City, O'Grady and Roti admit that on one or more dates, Roti discussed with O'Grady Plaintiffs' possible reassignment within the Narcotics Department, and that on one or more dates, Roti and/or O'Grady discussed Plaintiffs' possible reassignment within the Narcotics Department with Rivera. Defendants City, O'Grady and Roti deny the remaining allegations of Paragraph 38. Answering further, the remaining Individual Defendants deny that they had discussions with other Defendants concerning Plaintiffs' possible reassignment within the Narcotics Department, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 38.

39. During the meeting, on information and belief, Defendant O'Grady stated words to the effect of, "God help them if they ever need help on the street, it ain't coming."

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 39. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 39.

40. Instead of putting a stop to his subordinate's retaliation against Plaintiffs, Defendant Chief Nicholas Roti, who was also present at the meeting, concurred with Defendant O'Grady.

**ANSWER:** Defendants City, Roti and O'Grady deny the allegations of Paragraph 40.

Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 40.

41. Defendant Chief Roti is the head of the Bureau of Organized Crime, which includes the Narcotics Division, the Gang Enforcement Division, and the Gang Investigation Division (which includes most of the Department's Task Forces, as well as the Vice and Intelligence Sections).

**ANSWER:** Defendants admit the allegations of Paragraph 41.

42. Defendant Chief Roti fostered, allowed, agreed to and encouraged the retaliation against Plaintiffs at this meeting and in the years that followed.

**ANSWER:** Defendants City and Roti deny the allegations of Paragraph 42. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 42.

43. Although Plaintiffs' years of exemplary police work made them a perfect fit for the Bureau of Organized Crime, Defendant Chief Roti would not allow Plaintiffs to work in any unit in the Bureau.

**ANSWER:** Defendants City and Roti admit that Plaintiffs were not returned to the Narcotics Division, and deny the remaining allegations of Paragraph 43. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 43.

44. Plaintiffs were informed that none of the "bosses" wanted them in their units and that their "careers are over."

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 44.

45. In or near late May 2011, then-Deputy Superintendent (now, Chief) Defendant Debra Kirby caused Plaintiffs to be removed from their detail to Unit 543, Detached Services.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 45.

Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 45.

46. At that time, the Deputy Superintendent of Detached Services, Beatrice Cuello, called Defendant Kirby to confirm that Plaintiffs were working on an undercover investigation and that the paperwork was in place.

**ANSWER:** On information and belief, Defendant City admits that at one point Beatrice Cuello contacted Kirby asking her about Plaintiffs' status. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 46.

47. Despite her knowledge of Plaintiffs' detail to the federal investigation, Defendant Kirby falsely denied even knowing Plaintiffs or knowing that Plaintiffs were involved with any investigation. She did so knowing that this denial would jeopardize Plaintiffs' detail.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 47. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 47.

48. Based upon Defendant Kirby's denials, Deputy Superintendent Cuello believed Plaintiffs had lied about their roles in the Watts investigation. As a result, Plaintiffs were kicked out of Unit 543.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 48. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 48.

49. Despite having years of experience conducting undercover operations, eavesdropping operations, developing informants and other valuable police work, Defendants O'Grady and Roti would not allow Plaintiffs to return to any unit within Organized Crime including their own unit of assignment.

**ANSWER:** Defendants City, O'Grady and Roti admit that Plaintiffs had experience in uncover operations, eavesdropping operations, developing informants and other police work, admit that Plaintiffs were not returned to the Bureau of Organized Crime, and deny the remaining

allegations of Paragraph 49. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 49.

50. Because Plaintiffs had been labeled “rats” in the Department, they lost their specialized assignments, weekends and holidays off, take-home vehicles, and the ability to work unlimited overtime.

**ANSWER:** Defendant City denies that Plaintiffs were labeled “rats” and denies the remaining allegations of Paragraph 50. Answering further, the Individual Defendants deny labeling Plaintiffs as “rats” or retaliating against them, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 50.

51. Plaintiffs were therefore detailed to the Police Academy for the next three weeks.

**ANSWER:** Defendant City admits that at one point Plaintiffs were detailed to the Police Academy for a short period of time, and denies the remaining allegations of Paragraph 51. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 51.

52. During their time at the Police Academy, Plaintiffs often did nothing more than sit at desks. Other times they sat in on recruit or other courses, sometimes the same course repeatedly for no reason other than that no one knew why Plaintiffs were there.

**ANSWER:** Defendant City denies the allegations of Paragraph 52. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 52.

53. Plaintiffs were effectively on “house arrest” in retaliation for having investigated fellow officers.

**ANSWER:** Defendant City denies the allegations of Paragraph 53. Answering further, the Individual Defendants deny that they placed Plaintiffs on “house arrest” or retaliated against

them, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 53.

54. Although Plaintiffs complained to Defendant Chief Rivera about the retaliatory re-assignment to the Police Academy, he failed to take any action.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 54. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 54.

55. Around the end of July 2011, Plaintiffs were moved to the Inspections Division, Unit 126.

**ANSWER:** Defendants City, Stanley and Pascua admit that in or about July 2011, Plaintiffs were detailed to the Inspection Division, Unit 126. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 55.

56. They remained detailed to Unit 126, Inspections until March 2012. Throughout that time Plaintiffs were subjected to harassment and hostility, which was directed by their immediate supervisor, Defendant Lt. Pascua.

**ANSWER:** Defendants City, Pascua, Stanley and Sadowski admit that Plaintiffs were detailed to Unit 126, Inspections for some period of time until in or about March 2012, admit that during some of that time Pascua was Plaintiffs' immediate supervisor, and deny the remaining allegations of Paragraph 56. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 56.

57. Defendant Lt. Pascua called Plaintiffs, "rat motherf---ers" and told them that she did not want them in the unit.

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 57. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 57.

58. Defendant Lt. Pascua spread the word among their co-workers that Plaintiffs were “rats” and no one should talk to them.

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 58. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 58.

59. Throughout their time in Unit 126, Defendant Lt. Pascua gave Plaintiffs few legitimate work assignments. Most of their time was spent sitting at desks idle or being forced to chauffeur Defendant Lt. Pascua, often on personal errands.

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 59. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 59.

60. Defendant Lt. Pascua threatened to put a false case on Plaintiffs, saying “f--- them from narcotics...I’m a lawyer and know how to put a case together...I’m gonna work on getting them f---ing launched.”

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 60. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 60.

61. On September 13, 2011, Plaintiffs met with their commanding officer, Defendant Commander Stanley and informed her of ongoing retaliation and hostile work environment in the unit. After being told of the retaliation, Defendant Stanley said, “I don’t want to hear this, I don’t want to know.”

**ANSWER:** Defendants City and Stanley deny that Plaintiffs informed Stanley of “ongoing retaliation and hostile work environment in the unit,” and deny the remaining allegations of Paragraph 61. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 61.

62. Defendant Commander Stanley did nothing to stop the retaliation or Lt. Pascua's inappropriate conduct including that she did not initiate a Complaint Register ("C.R.") about the retaliation as she was required to do by Department policy. By allowing the retaliation against Plaintiffs to continue unabated in her unit Defendant Commander Stanley condoned, encouraged, and agreed to the retaliation.

**ANSWER:** Defendants City and Stanley admit that Stanley did not initiate a Complaint Register concerning Pascua, and deny the remaining allegations of Paragraph 62. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 62.

63. Likewise, Defendant Chief Rivera knew of the constant retaliation against Plaintiffs but allowed it to continue unabated including that he refused to initiate an I.A.D. investigation into the harassment and retaliation.

**ANSWER:** Defendant City admits, on information and belief, that Rivera did not initiate an investigation regarding Plaintiffs, and denies the remaining allegations of Paragraph 63. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 63.

64. After Commander Stanley failed to address the retaliation, Defendant Lt. Sadowski joined in Lt. Pascua's campaign by repeatedly attempting to lodge false allegations of wrongdoing against Plaintiffs.

**ANSWER:** Defendants City, Stanley, Sadowski and Pascua deny the allegations of Paragraph 64. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 64.

65. In November 2011, as another manifestation of the City of Chicago's policy against investigating fellow officers, two Sergeants of the Internal Affairs Division told Plaintiffs "sometimes you have to turn a blind eye" to misconduct.

**ANSWER:** Defendants deny that the City has a policy against investigating fellow officers, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 65.

66. In October 2011, Plaintiffs were called back to assist the F.B.I. with the completion of Operation Brass Tax.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 66.

67. Plaintiffs continued to work on the case with the F.B.I. until the successful arrests and indictments of Sgt. Ronald Watts and Officer Kallat Mohammed in February 2012.

**ANSWER:** Defendant City admits that Sgt. Ronald Watts and Officer Kallat Mohammed were arrested and indicted in or about February 2012, and that during certain periods Plaintiffs worked on the case in their capacities as Chicago police officers. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 67.

68. Because Plaintiffs had already been established to be “rats,” Defendant Chief Roti ordered that they were not allowed to return to the narcotics unit “or any other division of Organized Crime.”

**ANSWER:** Defendants City and Roti admit that Plaintiffs were not returned to the Bureau of Organized Crime, including the Narcotics Division, and deny the remaining allegations of Paragraph 68. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 68.

69. As a result, Plaintiffs were forced to return to Unit 126, which was an undesirable position as well as a hostile work environment due to the continued retaliation and harassment.

**ANSWER:** Defendant City admits that at some point following the indictment of Watts and Mohammed, Plaintiffs reported to Unit 126, and deny the remaining allegations of Paragraph 69. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 69.

70. When Plaintiff Spalding again asked Defendant Chief Rivera to initiate a C.R. investigation for a hostile work environment after she began to suffer anxiety attacks, Rivera refused to acknowledge the request.

**ANSWER:** Defendant City admits, on information and belief, that Rivera did not initiate a C.R. regarding Plaintiffs, states it is without knowledge or information sufficient to admit or deny the allegation that Spalding suffered anxiety attacks, and denies the remaining allegations of Paragraph 70. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 70.

71. In repeatedly refusing to initiate a C.R. investigation into the hostile work environment, Defendant Chief Rivera condoned, encouraged, agreed to and allowed the retaliation to continue unabated.

**ANSWER:** Defendant City admits, on information and belief, that Rivera did not initiate a C.R. regarding Plaintiffs, and denies the remaining allegations of Paragraph 71. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 71.

72. Plaintiffs were not given assignments with Unit 126 and were again made to sit idly, sometimes for up to eight hours a day.

**ANSWER:** Defendant City denies the allegations of Paragraph 72. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 72.

73. On March 20, 2012, Plaintiffs were detailed to the Bureau of Detectives, Fugitive Apprehension, Unit 606. Within that Unit, Plaintiffs were assigned to the United States Marshal's Task Force.

**ANSWER:** Defendants City, Salemme, Cesario and Barnes admit that in or about March 2012, Plaintiffs were detailed to Bureau of Detectives, Fugitive Apprehension, Unit 606, deny that Plaintiffs were assigned to the U.S. Marshal's Task Force, and deny the remaining allegations of Paragraph 73. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 73.

74. Defendant Joseph Salemme was the Commander of Fugitive Apprehension; Defendant Robert Cesario was Plaintiffs' Lieutenant in the unit; and Defendant Sgt. Maurice Barnes was Plaintiffs' immediate supervisor on the U.S. Marshal's Task Force Team.

**ANSWER:** Defendants City, Salemme, Cesario and Barnes admit that at the time Plaintiffs were detailed to Unit 606 in or about March 2012, Barnes was Plaintiffs' immediate supervisor, Cesario was the Commanding Officer of Fugitive Apprehension, and Salemme was the Commander of Unit 606, Central Investigations, deny that Plaintiffs were on the U.S. Marshal's Task Force Team, and deny the remaining allegations of Paragraph 74. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 74.

75. Upon information and belief, on or around the day of their initial detail to the U.S. Marshal's Task Force Team, Defendant O'Grady went out of his way to personally inform Plaintiffs' new supervisors that they were "rats" and should be treated accordingly.

**ANSWER:** Defendants City, Salemme, Cesario and Barnes deny that Plaintiffs were detailed to the U.S. Marshal's Task Force Team, and deny the remaining allegations of Paragraph 75. Defendant O'Grady denies that he informed Plaintiffs' new supervisors that they were rats and should be treated accordingly, and states he is without knowledge or information to admit or deny the remaining allegations of Paragraph 75. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 75.

76. Defendant Sgt. Barnes thereafter informed Plaintiffs' new team that they were "rats," that Plaintiffs should not be trusted or backed up by the team.

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 76. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 76.

77. At one point, Defendant Sgt. Barnes removed Plaintiffs from a high profile case to which they had been assigned; because they were “rats,” Plaintiffs would not be allowed to work the case.

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 77. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 77.

78. When Plaintiff Spalding tried to talk to Sgt. Barnes in an effort to prevent further retaliation, Sgt. Barnes repeatedly referenced that Plaintiffs had brought down a sergeant (referring to Watts).

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 78. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 78.

79. Sgt. Barnes told Plaintiff Spalding that the team hated them and would not back them up if they were in need. He stated words to the effect of, “I don’t want to tell your daughter you’re coming home in a box because the team won’t help you on the street.”

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 79. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 79.

80. On or about June 20, 2012, Plaintiffs were ordered to meet with Defendants Commander Salemme, Lt. Cesario and Sgt. Barnes at Unit 606 headquarters.

**ANSWER:** Defendants City, Salemme, Cesario and Barnes admit that in or about June 2012, Plaintiffs met with Salemme, Cesario and Barnes at Unit 606 headquarters, and deny the remaining allegations of Paragraph 80. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 80.

81. Defendants Commander Salemme, Lt. Cesario and Sgt. Barnes removed Plaintiffs from the Marshal’s Taskforce Team, located on the far Southside, where they worked days (7 a.m. to 3 p.m. Defendants had Plaintiffs placed on a team located on the Northside, working the third watch (4 p.m. to 12 p.m.).

**ANSWER:** Defendants City, Salemme, Cesario and Barnes admit that in or about June 2012, Plaintiffs were transferred from the 2nd Watch South fugitive apprehension team, which works 7 am to 3pm, to the 3rd Watch North fugitive apprehension team, which works 4 pm to 12 pm., deny that Plaintiffs had been on the Marshal's Task Force Team or were removed from the Marshal's Task Force Team, and deny the remaining allegations of Paragraph 81. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 81.

82. During the meeting, Defendant Commander Salemme told Plaintiffs words to the effect of, "you brought this baggage on yourselves ... if you go against sworn personnel you know this will happen."

**ANSWER:** Defendants City and Salemme deny the allegations of Paragraph 82. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 82.

83. Defendant Lt. Cesario said words to the effect of, Plaintiffs were being sent "up north" and would not get a take-home car, Marshal's pay, overtime or be deputized. He made clear, "that will never happen for you."

**ANSWER:** Defendants City and Cesario admit that Plaintiffs were advised that they were being transferred to the 3rd Watch North fugitive apprehension team, admit that non-Task Force Officers, including Plaintiffs, were not assigned a take home car, and deny the remaining allegations of Paragraph 83. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 83.

84. When Plaintiffs were initially assigned to the Task Force, they had been informed that when positions opened up for deputization by the U.S. Marshals, they—like other members of the Task Force – would be deputized.

**ANSWER:** Defendants City, Salemme, Cesario and Barnes deny that Plaintiffs were assigned to the Marshals Task Force, and deny the remaining allegations of Paragraph 84. Answering

further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 84.

85. Shortly after Plaintiffs were removed from the Task Force Team, dozens of positions for officers to be deputized as U.S. Marshals opened up. After Plaintiffs' removal from the team, other officers with less seniority than Plaintiffs were brought into Unit 606 and deputized while Plaintiffs were passed up.

**ANSWER:** Defendant City admits that certain positions in which officers were deputized by the U.S. Marshals became available in 2012, admits that Plaintiffs were not selected for such positions, deny that Plaintiffs had been on the Task Force Team or were removed from the Task Force Team, deny that seniority is determinative for the selection of Task Force Officers to be deputized by the U.S. Marshals, and deny the remaining allegations of Paragraph 85. Defendants Salemme, Cesario and Barnes deny that Plaintiffs had been on the Task Force Team or were removed from the Task Force Team. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 85.

86. In fact, since then, dozens of other officers in the Fugitives Apprehension Unit have been deputized by the U.S. Marshals including other officers from Plaintiffs' current team. As Lt. Cesario promised, however, Plaintiffs have been continually passed up for deputization.

**ANSWER:** Defendant Cesario denies that he promised that Plaintiffs would not be deputized. Defendants City, Salemme, Cesario, Barnes and Mills admit that certain officers in the Fugitive Apprehension Unit have been selected for a Task Force Officer position and deputized by the U.S Marshals, including officers from Plaintiffs' teams, admit that Plaintiffs have not been selected for a Task Force Officer position or deputized by the U.S. Marshals, and deny the remaining allegations of Paragraph 86. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 86.

87. On June 23, 2012, Plaintiffs contacted Defendant Chief Rivera from I.A.D. to lodge another complaint. Again, their complaint was ignored.

**ANSWER:** On information and belief, Defendant City denies that Rivera ignored any complaint that may have been lodged by Plaintiffs, and states that it is without knowledge or information sufficient to admit or deny the allegation that on June 23, 2012, Plaintiffs lodged a Complaint with Rivera. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 87.

88. On June 25, 2012, Plaintiffs were reassigned to a nighttime fugitive apprehension team and relocated to the Northside of Chicago. This reassignment was a step backwards for Plaintiff professionally, as well as an inconvenience.

**ANSWER:** Defendants City, Salemme, Cesario, Barnes and Mills admit that on or about June 25, 2012, Plaintiffs were assigned to the 3rd Watch North fugitive apprehension team, state they are without knowledge or information sufficient to admit or deny whether this was an “inconvenience” to Plaintiffs, and deny the remaining allegations of Paragraph 88. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 88.

89. On August 17, 2012, Sgt. Watts’ co-conspirator, Officer Mohammed pled guilty to extorting drug dealers. In his plea, he described the criminal misconduct going back to at least 2007.

**ANSWER:** Defendant City admits that on or about August 17, 2012, Mohammed pled guilty. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 89.

90. Around the same time, Defendant Commander O’Grady “banned” Plaintiff Spalding from entering Chicago Police Headquarters at Homan Square, where she was assigned a locker.

**ANSWER:** Defendants City and O’Grady deny that O’Grady “banned” Spalding from entering Homan Square. Defendants state they are without knowledge or information sufficient to admit

or deny the remaining allegations of Paragraph 90, including whether Spalding was assigned a locker at Homan Square.

91. Plaintiffs' own supervisor, Defendant Lt. Cesario, stressed that Plaintiff should "heed the warning that O'Grady doesn't want you there."

**ANSWER:** Defendants City and Cesario admit that Cesario advised Spalding that O'Grady requested that she not come to Homan Square unless she is on police business, and deny the remaining allegations of Paragraph 91. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 91.

#### **Retaliation Resulting from the Lawsuit and Speech in the Media**

92. On November 1, 2012, Plaintiffs filed the original civil action in this case complaining of the above-described retaliation.

**ANSWER:** Defendants admit the allegations of Paragraph 92.

93. Following the filing, Chicago area media publicized Plaintiffs' reporting of the Watts' criminal misconduct and the Department-wide effort to punish Plaintiffs for reporting police corruption.

**ANSWER:** Defendants admit that following Plaintiffs' filing of this lawsuit, some Chicago area media publicized the allegations in the lawsuit. Defendants deny that there was or is any Department-wide effort to punish Plaintiffs for reporting police corruption, and deny the remaining allegations of Paragraph 93.

94. While accounts of the prevalence of the code of silence among Chicago Police Department rank-and-file have been widely reported for years, Plaintiffs' case shed new light on Department's top ranking members explicit enforcement of the code of silence.

**ANSWER:** Defendants deny that there is a code of silence within the Chicago Police Department and deny the remaining allegations of Paragraph 94.

95. Plaintiffs appeared in the media, including local television and newspapers telling of the years of retaliation that they endured at the hands of their superiors.

**ANSWER:** Defendants admit that Plaintiffs appeared in the media, including local television and newspapers, discussing the allegations of their lawsuit. Defendants deny the remaining allegations of Paragraph 95.

96. As a result, Plaintiffs experienced new and additional retaliation.

**ANSWER:** Defendants deny the allegations of Paragraph 96.

97. Prior to the lawsuit, Plaintiffs' current supervisor, Defendant Sgt. Mills seemed to defend Plaintiffs in the face of the retaliation coming from outside the team.

**ANSWER:** Defendants City and Mills admit that when he became their supervisor, Mills told Plaintiffs words to the effect that they would get a "fresh start" or "new beginning" with him, deny that Plaintiffs faced retaliation coming from outside the team, and deny the remaining allegations of Paragraph 97. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 97.

98. Since the filing of the lawsuit, and Plaintiffs' related media appearances, Plaintiffs have faced retaliation within the team, including that they are now ostracized and are no longer included in team activities.

**ANSWER:** Defendants deny the allegations of Paragraph 98.

99. Defendant Sgt. Mills regularly brings up the fact that Plaintiffs have a lawsuit and are making allegations against the "bosses."

**ANSWER:** Defendants City and Mills deny the allegations of Paragraph 99. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 99.

100. Defendant Sgt. Mills constantly is badgering Plaintiffs making their day to day work more difficult. For example, Sgt. Mills insists that even when the team is working on the Southside, Plaintiffs must return to the Northside office to check-off while the rest of the team is allowed to leave directly from the Southside.

**ANSWER:** Defendants City and Mills admit that the officers on Mills' team, including Plaintiffs, are generally required to return to the team's office at the end of each shift, and deny the remaining allegations of Paragraph 100. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 100.

101. Defendant Sgt. Mills has ordered Plaintiffs to only return to the team's office for check-off at the end of the day. Other officers freely come and go from the office while Plaintiffs risk ridicule and harassment if they do so.

**ANSWER:** Defendants City and Mills admit that Mills generally requires the members on his team, including Plaintiffs, to return to the team's office at the end of each shift, and deny the remaining allegations of Paragraph 101. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 101.

102. Defendant Sgt. Mills has repeatedly made it difficult for Plaintiffs to work overtime hours while the rest of the team does so without hindrance.

**ANSWER:** Defendants City and Mills deny the allegations of Paragraph 102. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 102.

103. Defendant Sgt. Mills has prevented Plaintiffs from working up cases, as well as excluded them from team arrests, while simultaneously threatening to remove Plaintiffs from the team for "not producing" (arrests).

**ANSWER:** Defendants City and Mills deny the allegations of Paragraph 103. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 103.

104. On one occasion when Plaintiffs were allowed to pursue the arrest of a felon who was known to be violent and dangerous, Plaintiffs were assured by their team that the team would be present for the necessary back-up and support.

**ANSWER:** Defendants City and Mills admit that Plaintiffs' team would provide necessary back-up and support to the team members, including Plaintiffs. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 104.

105. However, when Plaintiffs arrived as scheduled, their team was nowhere in sight. Instead, they received a text from Defendant Sgt. Mills stating, "be careful."

**ANSWER:** Defendants City and Mills admit that Mills has often advised his team members to "be careful" if they are involved in a dangerous arrest. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 105.

106. In light of the danger presented by the suspect, Plaintiffs took this to be a threat to their safety and well-being.

**ANSWER:** Defendants City and Mills deny that Mills ever threatened Plaintiffs' safety or well-being. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 106.

#### **COUNT I – FIRST AMENDMENT RETALIATION**

107. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

**ANSWER:** Defendants reallege and incorporate by reference their answers to the factual allegations above as if fully set forth herein.

108. The First Amendment to the United States Constitution guarantees Plaintiffs' rights to speak out on matters of public concern without fear of unjust retaliation.

**ANSWER:** Defendants state that the allegations of Paragraph 108 constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny the allegations of Paragraph 108.

109. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by reporting on the criminal misconduct and corruption of Sgt. Watts, Officer Mohammed and others to the F.B.I.

**ANSWER:** Defendants state that the allegations that Plaintiffs engaged in “protected speech on matters of public concern” constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny the allegations of Paragraph 109.

110. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by filing this civil action and speaking out in the media about the retaliation that they have faced and the prevalence of the code of silence within the Chicago Police Department.

**ANSWER:** Defendants state that the allegations that Plaintiffs engaged in “protected speech on matters of public concern” constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny the allegation of Paragraph 110.

111. As a result of their exercise of protected speech, Defendants City of Chicago, Chief Rivera, Chief Kirby, Commander O’Grady, Chief Roti, Lieutenant Pascua, Commander Stanley, Sergeant Barnes, Lieutenant Sadowski, Lieutenant Cesario, Commander Salemme, and Sergeant Mills retaliated against Plaintiffs in the manner described in the preceding paragraphs.

**ANSWER:** Defendants state that the allegations that Plaintiffs engaged in “protected speech” constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny that allegation and deny the remaining allegations of Paragraph 111.

112. Retaliation against Plaintiffs was devised, approved and carried out by individuals with final policymaking authority with respect to the actions taken, including as follows:

a. By authority delegated to him by the Chicago City Council, the Superintendent of Police is responsible for the general management and control of the police department, and has full and complete authority to administer the department. The Superintendent has the power and the duty to administer the affairs of the department as its chief administrative officer, including to make appointments, promotions, transfers and to take disciplinary action against department employees; to appoint, discharge, suspend or transfer employees; and to issue instructions to department employees in the line of their duties.

b. Within the Department, the Superintendent has delegated certain policymaking authority to his Chiefs, including Defendants Kirby, Rivera and Roti.

c. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were responsible for the retaliatory re-assignments and effective demotions to Plaintiffs.

d. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were aware of the retaliation against Plaintiffs, described above, and knowingly allowed it to continue unabated thereby encouraging, fostering and causing the retaliation.

**ANSWER:** Defendants deny the allegations of Paragraph 112 and each of its subparts.

113. The misconduct described in this Count was the result of Defendant City of Chicago's deliberate indifference to the policies and widespread practices described more fully above and in that:

a. Municipal policymakers are aware of, condone and facilitate by their inaction, a "code of silence" in the Chicago Police Department, by which officers understand that they should cover for each other unconditionally and that failure to do so amounts to a betrayal.

b. Municipal policymakers are aware of, condone and facilitate by their inaction, the enforcement of the "code of silence" within the Department through the retaliation against officers who do report the misconduct of other officers.

c. The City Council's Committee on Police and Fire has recognized the existence of the code of silence within the Chicago Police Department but has failed to take the necessary steps to protect officers who break the Code of Silence and suffer retaliation as a result.

d. As a matter of both policy and practice, the City of Chicago directly encouraged, and was thereby the moving force behind the very type of misconduct at issue here by failing to adequately supervise, discipline, and control its officers, such that its failure to do so manifests deliberate indifference.

e. As a matter of both policy and practice, the City of Chicago facilitated the very type of misconduct at issue here by allowing it to continue as a matter of practice within the Department, thereby leading Chicago police officers to believe that the code of silence will be enforced throughout the Department and, in that way, directly encouraging future abuses.

f. As a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department who have dared to speak out about the misconduct of others have experienced retaliation a manner similar to that alleged by Plaintiffs.

**ANSWER:** Defendants deny the allegations of Paragraph 113 and each of its subparts.

114. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**ANSWER:** Defendants deny the allegations of Paragraph 114.

## **COUNT II – CONSPIRACY VIA 42 U.S.C. § 1983**

115. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

**ANSWER:** Defendants reallege and incorporate by reference their answers to the factual allegations above as if fully set forth herein.

116. As described in the preceding paragraphs, Defendants, acting in concert with other known and unknown conspirators, reached an understanding to deprive Plaintiffs of their Constitutional rights.

**ANSWER:** Defendants deny the allegations of Paragraph 116.

117. Plaintiffs were deprived of their Constitutional rights in the manner described in the preceding paragraphs.

**ANSWER:** Defendants deny the allegations of Paragraph 117.

118. That in furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity with state actors under color of law.

**ANSWER:** Defendants deny the allegations of Paragraph 118.

119. That the misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

**ANSWER:** Defendants deny the allegations of Paragraph 119.

120. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**ANSWER:** Defendants deny the allegations of Paragraph 120.

### **COUNT III – VIOLATION OF THE ILLINOIS WHISTLEBLOWER PROTECTION ACT**

121. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

**ANSWER:** Defendant City realleges and incorporates by reference its answers to the factual allegations above as if fully set forth herein. As this Count III is directed to Defendant City only, no answer is required by the Individual Defendants. To the extent an answer is required by the

Individual Defendants, the Individual Defendants deny any and all allegations of wrongful conduct, including any alleged violation of the Illinois Whistleblower Protection Act.

122. The City of Chicago was at all times complained of Plaintiffs' employer as defined in 740 ILCS § 174/5.

**ANSWER:** Defendant City denies that it violated the Illinois Whistleblower Protection Act (the "Act"), but admits the allegations of Paragraph 122.

123. Plaintiffs were at all times complained of employees of the City of Chicago as defined in 740 ILCS § 174/5.

**ANSWER:** Defendant City denies that it violated the Act, but admits the allegations of Paragraph 123.

124. The City of Chicago and its employees and agents were prohibited according to 740 ILCS § 174/15 from retaliating against Plaintiffs for disclosing to the F.B.I. what they reasonably believed and in fact knew were multiple violations state and federal laws by Watts, Mohammed and other Chicago Police Officers.

**ANSWER:** Defendant City states that the allegations of Paragraph 124 constitute legal conclusions for which no answer is requested. Further answering, Defendant City denies that the City or its employees or agents retaliated against Plaintiffs, denies that Plaintiffs made a protected disclosure under the Act, denies that the City violated the Act, and denies the remaining allegations of Paragraph 124.

125. The City of Chicago retaliated against Plaintiffs in the manner described in the preceding paragraphs as a result of their reporting of the criminal misconduct.

**ANSWER:** Defendant City denies the allegations of Paragraph 125.

126. As a result of the aforesaid retaliation, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**ANSWER:** Defendant City denies the allegations of Paragraph 126.

#### **AFFIRMATIVE DEFENSES TO AMENDED COMPLAINT**

1. Plaintiffs' claims and their right to recovery are barred, in whole or in part, by the applicable statute(s) of limitations.
2. Plaintiffs' claims are barred, in whole or in part, by Defendants' immunity or qualified immunity.
3. Plaintiffs' state law claims are barred, in whole or part, by the Illinois Tort Immunity Act.
4. Plaintiffs' state law claims are barred, in whole or in part, by the one-year statute of limitations period in the Illinois Tort Immunity Act.
5. Plaintiffs' conspiracy claim is barred by the intra-corporate conspiracy doctrine.
6. Plaintiffs have failed to reasonably mitigate their damages, if any.
7. Plaintiffs' claims fail because the Individual Defendants' statements alleged in this action were protected by the common law doctrine of absolute privilege.
8. Under the common law doctrine of public officials' immunity, the Individual Defendants are immune from liability for any decisions any of them made that were based on his or her discretionary actions.
9. Plaintiffs' recovery in this action, if any, must be decreased by the amount of any earnings, compensation and benefits received by Plaintiffs during the relevant period.
10. Defendant City is not liable on Plaintiffs' First Amendment or conspiracy claims under Section 1983 because the City is a public entity and no official policy or custom of discrimination or other basis for municipal liability exists.
11. Plaintiffs may not recover punitive damages in this action because Defendants engaged in good faith efforts to comply with the law.

12. Plaintiffs are not entitled to punitive damages against Defendant City because Defendant City is a public employer and a municipality.

13. Plaintiffs' claims, in whole or in part, must be dismissed because even if Plaintiffs could demonstrate that any employment decisions concerning them were made by Defendants based on an illegal motive, Defendants would have made the same decisions absent the illegal motive.

14. Plaintiffs' claims, in whole or in part, fail to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully pray that Plaintiffs take nothing by the Amended Complaint and request that the Court:

- (a) Enter judgment in favor of Defendants and against Plaintiffs;
- (b) Order Plaintiffs to pay Defendants' costs and reasonable attorneys' fees incurred in defending against this action; and
- (c) Grant such other and further relief to Defendants as the Court deems just and equitable under the circumstances.

Dated: April 3, 2014

Respectfully submitted,  
**CITY OF CHICAGO**

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CH01/ 26335640.9

# Exhibit C

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
1-4

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 CHICAGO POLICE OFFICERS ) 5 SHANNON SPALDING and ) 6 DANIEL ECHEVERRIA, ) 7 Plaintiffs, ) 8 vs. ) No. 12 C 8777 9 CITY OF CHICAGO, Chicago ) 10 Police Chief JUAN ) 11 RIVERA, Chicago Police ) 12 Chief DEBRA KIRBY, ) 13 Chicago Police Commander ) 14 JAMES O'GRADY, Chicago ) 15 Police Chief NICHOLAS ) 16 ROTI, Chicago Police Lt. ) 17 KEVIN SADOWSKI, Chicago ) 18 Police Lt. DEBORAH ) 19 PASCUA, Chicago Police ) 20 Commander ADRIENNE ) 21 STANLEY, Chicago Police ) 22 Sergeant MAURICE BARNES, ) 23 Chicago Police Lt. ) 24 ROBERT CESARIO, Chicago ) 25 Police Commander JOSEPH ) 26 SALEMME, Chicago Police ) 27 Sergeant THOMAS MILLS, ) 28 Defendants. )</p> <p>18 The deposition of SHANNON MARIE SPALDING, called for examination, taken pursuant to the provisions of the Code of Civil Procedure and the Rules of the Supreme Court of the State of Illinois pertaining to the taking of depositions for the purpose of discovery taken before SUSAN HASELKAMP, CSR No. 084-004022, Certified Shorthand Reporter of said state, on November 18, 2014, at the hour of 9:26 a.m. at 191 North Wacker Drive, Suite 3700, Chicago, Illinois, pursuant to notice.</p>	Page 1	<p>1 (Whereupon, the witness was duly 2 sworn.) 3 SHANNON MARIE SPALDING, 4 having been first duly sworn, was examined and 5 testified as follows: 6 EXAMINATION 7 BY MR. KING: 8 Q. Let the record reflect that is this the 9 deposition of one of the Plaintiffs 10 Shannon Spalding being taken pursuant to notice 11 and agreement of the parties and pursuant to 12 applicable rules of the Federal Rules of Civil 13 Procedure and Federal Rules of Evidence. 14 Ms. Spalding, can you state your full 15 name and spell your last name again for the 16 record. 17 A. Shannon Marie Spalding, 18 S-P-A-L-D-I-N-G. 19 Q. And have you ever given a deposition 20 before? 21 A. Once. 22 Q. Once. What kind of case was that? 23 A. It was an accident case. 24 Q. Okay. Were you the plaintiff?</p>
<p>1 APPEARANCES: 2 3 CHRISTOPHER SMITH TRIAL GROUP, 4 MR. CHRISTOPHER R. SMITH, 5 One North LaSalle Street 6 Suite 3040 7 Chicago, Illinois 60602 8 (312) 432-0400 9 office@crtrialgroup.com 10 Representing the Plaintiffs; 11 12 DRINKER, BIDDLE &amp; REATH LLP, by 13 MR. ALAN S. KING, 14 191 North Wacker Drive 15 Suite 3700 16 Chicago, Illinois 60606-1698 17 (312) 569-1334 18 alan.king@dbr.com 19 Representing the Defendants. 20 21 ALSO PRESENT: MR. DANIEL ECHEVERRIA 22 23 24</p>	Page 2	<p>1 A. No. 2 Q. Okay. Well, I'm sure you're pretty 3 familiar with what's going to go on here today 4 but I'll go over -- 5 A. Please. 6 Q. -- a few ground rules. Obviously 7 you've been -- I'll be asking you questions, 8 you've been sworn to tell the truth in response 9 to my questions. If you don't understand any of 10 my questions or if I'm speaking too fast, feel 11 free to let me know. I can try to rephrase the 12 question, I'll be happy to slow down. I see you 13 nodding the head. And another rule that we need 14 to make sure -- 15 A. I understand. 16 Q. -- that your answers are verbal so the 17 court reporter will be able to take them down. 18 Another issue with the court reporter 19 is that it's difficult for her to take down 20 anything if we're both talking at the same time. 21 So I'll do my best to allow you to answer the 22 questions if you'll allow me to get the 23 questions out, this will go a little bit 24 smoother. Okay?</p>

SHANNON MARIE SPALDING  
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<p>1 A. Okay. Thank you.</p> <p>2 Q. Thank you. And if you need to take a 3 break at any point, that should be fine. The 4 only thing that I would ask is that you not take 5 a break while there's a question pending. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Okay. What's your current home 8 address?</p> <p>9 A. 11016 South Central Park Avenue, 10 Chicago, 60655.</p> <p>11 Q. And how long have you lived at that 12 address?</p> <p>13 A. Approximately under two months.</p> <p>14 Q. Okay. And where were you living prior 15 to that?</p> <p>16 A. 3421 West 115th Place, Chicago, 60655.</p> <p>17 Q. Okay. And how long were you at that 18 address?</p> <p>19 A. Almost eight years.</p> <p>20 Q. And at your current address, is there 21 anyone living there with you?</p> <p>22 A. Yes.</p> <p>23 Q. Who would that be?</p> <p>24 A. My daughter.</p>	Page 5	<p>1 Q. And are you seeking some kind of review 2 of that?</p> <p>3 A. Yes. A grievance was filed by the FOP.</p> <p>4 Q. Okay. So am I correct that at some 5 point, you were on medical leave that was paid 6 and then you reached a point where it became 7 unpaid, correct?</p> <p>8 A. Yes, correct.</p> <p>9 Q. And do you recall when the paid medical 10 leave ended?</p> <p>11 A. Yes. It was in June of this year.</p> <p>12 Q. Okay. And since June of this year when 13 your pay was stopped, have you had any other 14 sources of income?</p> <p>15 A. I was approved for a partial disability 16 by the pension board until my case can be 17 reviewed for full duty disability benefits. And 18 that partial, I believe it is called ordinary 19 disability, kicked in I'm not sure if it was the 20 end of July or August.</p> <p>21 Q. Okay. And does that pay you a portion 22 of your regular compensation with the 23 department?</p> <p>24 A. Yes, it does.</p>	Page 7
<p>1 Q. Okay. I'm sorry.</p> <p>2 A. It's my -- my daughter is renting the 3 house. Her boyfriend.</p> <p>4 Q. Okay.</p> <p>5 A. And my boyfriend.</p> <p>6 Q. Okay. And your boyfriend is?</p> <p>7 A. Anthony Hernandez.</p> <p>8 Q. Thank you. And you're currently still 9 employed with the Chicago Police Department?</p> <p>10 A. I am currently still employed, yes.</p> <p>11 Q. Okay.</p> <p>12 A. But not actively at work.</p> <p>13 Q. Okay. You're on medical leave?</p> <p>14 A. I am on disability leave.</p> <p>15 Q. Okay. It's my understanding you had 16 made an application for injured on duty status; 17 is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. To your knowledge has there been any 20 determination on that application?</p> <p>21 A. Yes. It was denied as an IOD, injured 22 on duty --</p> <p>23 Q. Okay.</p> <p>24 A. -- by the committee on finance.</p>	Page 6	<p>1 Q. And do you know what portion you 2 received under the ordinary disability?</p> <p>3 A. Don't quote me the exact amount, but 4 it's roughly \$3,200 or \$3,400 a month.</p> <p>5 Q. And what was your regular rate of pay 6 before?</p> <p>7 A. I don't even know what we got paid 8 hourly, but I do know that it is double. That 9 is what I believe it is. But that's -- and then 10 taxes. Probably 5 or more, 5,000 or more.</p> <p>11 Q. Your regular rate of pay --</p> <p>12 A. Yeah.</p> <p>13 Q. -- before your pay was stopped --</p> <p>14 A. Yeah.</p> <p>15 Q. -- is what you believe was 16 approximately --</p> <p>17 A. Yeah.</p> <p>18 Q. -- \$5,000 a month?</p> <p>19 A. Yeah.</p> <p>20 Q. And the -- did I hear you correctly 21 that the amount you're getting for ordinary 22 disability --</p> <p>23 A. Correct.</p> <p>24 Q. -- is half, 50 percent of your pay?</p>	Page 8

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<p style="text-align: right;">Page 9</p> <p>1 A. I believe it's something like that. 2 It's -- the checks I've received are somewhere 3 between, I'm guessing the amount, the proximity 4 of 3,200 to 3,400 once a month. 5 Q. Okay. You don't remember them telling 6 you a percentage, like you'll get 50 percent of 7 your pay? 8 A. I'm not -- I can't be exactly sure. I 9 can't recall exactly, and I don't want to guess. 10 Q. That's fine, okay. 11 And since your pay was initially 12 stopped in June, 2014, have you had any other 13 employment? 14 A. No. 15 Q. Okay. Have you had any other sources 16 of income other than the ordinary disability 17 payments? 18 A. Not income but I -- no. 19 Q. Okay. You started with the police 20 department in 1996; is that correct? 21 A. That's correct. 22 Q. Okay. Can you, as best as you can, 23 just explain sort of your history from when you 24 were -- when you started, where you were</p>	<p style="text-align: right;">Page 11</p> <p>1 Housing South. 2 Q. Do you remember any of your supervisors 3 in the 2nd District? 4 A. In the 2nd District, I -- honestly, I 5 remember it was the Watch Commander Michael 6 Byrne. No, I don't remember the sergeants. 7 Q. Okay. 8 A. And then I went to work for Commander 9 Toliver in Public Housing South. There were 10 multiple supervisors there that worked there. 11 Glenn Evans was my supervisor at the time. And 12 I know there was a supervisor Sergeant Mark 13 Moore worked there. 14 Q. Okay. 15 A. Billy Patterson, William Patterson and 16 Anthony Ceja. 17 Q. Do you know how to spell Ceja? 18 A. Yes, I do. C-E-J-A. 19 Q. Thank you. 20 A. You're welcome. I don't recall. 21 Q. Okay. 22 A. I'm missing people. 23 Q. Okay. Before we move on, do you know 24 approximately how long you were in the 2nd</p>
<p style="text-align: right;">Page 10</p> <p>1 assigned, to the extent you can remember, your 2 supervisors. Actually, just go up until the 3 point that you were detailed to Detached 4 Services. We don't need to get into that now. 5 A. Okay. 6 Q. But starting when you joined the force, 7 as best as you can recall, can you kind of trace 8 your history? 9 A. Yes. After completing the academy, I 10 was assigned to the 5th District. I remember 11 supervisor -- the sergeant was Elizabeth Glatz. 12 When you are put on the watch, your supervisors 13 rotate, and so you don't have a specific 14 supervisor that you report to every day. And I 15 don't recall who they were. It was a long time 16 ago. 17 Q. Sure. 18 A. And you are a PPO, probationary police 19 officer, so you work with different people all 20 the time for training purposes. I was not in 21 the 5th District very long. I don't recall how 22 long it was. From there, I was assigned to the 23 2nd District at 51st and Wentworth. And from 24 the 2nd District, I went to work in Public</p>	<p style="text-align: right;">Page 12</p> <p>1 District before you went to the Public Housing? 2 A. It had to be roughly a year and a half 3 to two years. 4 Q. Okay. 5 A. Roughly. I'm guessing. I don't 6 recall. 7 Q. Sure. And how long were you in Public 8 Housing South? 9 A. Until they disbanded, which was 10 November of I think 2005. I don't recall the 11 year to be exactly. 12 Q. Okay. 13 A. But the unit disbanded. 14 Q. Okay. 15 A. Then I went to work on the gang team in 16 the 1st District, tactical/gang team in the 17 1st District. 18 Q. Okay. 19 A. I was not there very long, and then I 20 went to Organized Crime Narcotic Division. And 21 from there, assigned to 543. 22 Q. Okay. Do you remember when you started 23 in Organized Crime Division? 24 A. It was approximately May of -- it was</p>

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<p style="text-align: right;">Page 13</p> <p>1 when the fentanyl operation was going on, and it 2 was in approximately May of 2006 or '07. 3 Q. Okay. 4 A. And then we were -- my partner, 5 Danny Echeverria, and I were borrowed for the 6 fentanyl mission in May of two thousand -- or 7 whatever the year -- 8 Q. Sure. 9 A. And we were the intelligence behind the 10 fentanyl mission. So we were borrowed, we were 11 not assigned to that unit. The mission for 12 Operation Fallout, the fentanyl mission, was 13 completed in October and then we were 14 requested -- we were assigned there. 15 Q. Okay. So when you worked on Operation 16 Fallout, you had essentially been borrowed by 17 the Organized Crime unit -- 18 A. Correct. 19 Q. -- you weren't officially detailed 20 there yet? 21 A. No. And we worked for Sergeant 22 DiCristofano, Anthony DiCristofano and then we 23 went to 543. 24 Q. You mentioned Officer Echeverria being</p>	<p style="text-align: right;">Page 15</p> <p>1 you were separated just for training purposes? 2 A. That's what we were told. 3 Q. Okay. Do you recall about how long you 4 were separated? 5 A. Up until the time -- I'm not sure of 6 exactly when it was. It was maybe February 7 of 2008 I was an undercover officer who was a 8 victim of a battery and a robbery. 9 And after that incident, I received a 10 phone call from Chief Limon who stated, have you 11 been placed back with your partner yet. And I 12 specifically remember stating, if I had been 13 working with my partner, this incident would not 14 have occurred. And he said, well, I'm going to 15 get you back with your partner immediately. 16 Q. Okay. 17 A. And then he put us both on the same 18 team. 19 Q. Okay. 20 A. That was Chief Limon's decision, and he 21 contacted me. 22 Q. Okay. What were the circumstances of 23 the battery and the robbery or do you know who 24 committed it?</p>
<p style="text-align: right;">Page 14</p> <p>1 your partner. When did the two of you become 2 partners? 3 A. We had -- when I went to the 4 1st District, we became partners at that time. 5 But we had crossed paths and worked together 6 within the Public Housing sector prior to that. 7 Q. Okay. And since you and Officer 8 Echeverria first became partners, have you been 9 partners consistently ever since then? 10 A. Except for a period of time in 11 Organized Crime, yes. 12 Q. Do you recall what period of time or 13 why you weren't partners? 14 A. When you first come to Organized Crime, 15 the Narcotic Division, it was explained to us 16 that since I had been from the South Side my 17 entire time, I couldn't go as an undercover 18 officer buying on the South Side where I would 19 be recognized. So I needed to go somewhere 20 different, on the West Side or the North Side. 21 And Officer Echeverria needed to go in a 22 different area and for training purposes for 23 that, they -- that is my understanding of it. 24 Q. So you were -- is it your understanding</p>	<p style="text-align: right;">Page 16</p> <p>1 A. At this time, absolutely not. I don't 2 know their names. 3 Q. Sure. 4 A. No, I did not know them. 5 Q. Okay. 6 A. The incident was that we were going to 7 a particular location on the West Side to 8 purchase a controlled narcotics purchase. The 9 regular sergeant, I'm not even sure at the time 10 who it was, I believe it was Kevin Johnson 11 maybe, wasn't there. I know that a Sergeant Ty 12 Bates I was working for on that particular day. 13 And when he gave the location, I specifically 14 told him prior to going out that I cannot 15 purchase narcotics there because my last 16 controlled buy, I was called out as an 17 undercover officer and it would jeopardize my 18 safety. 19 Q. Okay. 20 A. He said, okay, that's fine. I set up 21 as surveillance. And then he came over the 22 radio and said, you are going to go through and 23 make this purchase. 24 Q. Okay.</p>

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<p style="text-align: right;">Page 17</p> <p>1 A. Which I explained I was extremely 2 uncomfortable with the situation, because I'm 3 going back to a spot I had already been 4 identified at.</p> <p>5 Q. Sure.</p> <p>6 A. But he gave me a direct order to go 7 through and buy, so I did. At which point I was 8 immediately identified and was pulled out of the 9 car and they tried to take the car and I began 10 fighting. My surveillance, I should have had 11 two surveillance officers, one was a 12 Robin McGhee, who was supposed to be directly 13 behind me, and another one was Officer Masud, 14 Saud. Saud was his first name, S-A-U-D.</p> <p>15 Q. That's fine.</p> <p>16 A. He was my main eyeball and was calling 17 out the actions, so he should have been the 18 first to respond; however, that did not occur.</p> <p>19 What happen was the enforcement vehicle 20 was the first one on the scene. And enforcement 21 is usually parked multiple blocks away and 22 they're the farthest distance away. So it is 23 very questionable as to where was my backup and 24 where was my surveillance. They were not the</p>	<p style="text-align: right;">Page 19</p> <p>1 A. It's a long time to remember the exact 2 dates. I don't have the documents to review.</p> <p>3 Q. Okay.</p> <p>4 (Whereupon, Spalding Deposition 5 Exhibit No. 1 was marked for 6 identification.)</p> <p>7 BY MR. KING:</p> <p>8 Q. Ms. Spalding, I'm showing you what's 9 been marked Spalding Deposition Exhibit No. 1, 10 which is a copy of your Amended Complaint in the 11 lawsuit.</p> <p>12 Can you tell me if you've seen this 13 document before?</p> <p>14 A. Yes, I believe I have seen this 15 document.</p> <p>16 Q. Okay. And if I could direct your 17 attention to Paragraph 20 of the Complaint, 18 which is on Page 4. And Paragraph 20 begins, in 19 2007 while working an undercover narcotics 20 investigation, Plaintiffs uncovered evidence of 21 illegal activity being committed by various 22 Chicago Police Officers.</p> <p>23 A. I'm missing a page.</p> <p>24 MR. SMITH: Here, we can switch. Oh,</p>
<p style="text-align: right;">Page 18</p> <p>1 first on the scene.</p> <p>2 Q. Okay.</p> <p>3 A. Okay. And so it felt like forever that 4 I was fighting this. But Officer Joseph Mirus 5 and Officer Abner Rodriguez were the enforcement 6 car, and they began to pursue the offenders on 7 foot and in vehicle, at which point, you know, 8 multiple offenders, I believe four or five were 9 apprehended.</p> <p>10 Q. Okay.</p> <p>11 A. And what happened next was that --</p> <p>12 Q. I'm going to cut you off now. I 13 think --</p> <p>14 A. Okay.</p> <p>15 Q. -- you've answered my question.</p> <p>16 A. Okay.</p> <p>17 Q. You indicated that that incident where 18 you were subject to the battery and the robbery 19 you thought was February, 2008. Are you pretty 20 sure it was that month or approximately?</p> <p>21 A. Approximately.</p> <p>22 Q. Okay.</p> <p>23 A. I'm just trying to --</p> <p>24 Q. Sure.</p>	<p style="text-align: right;">Page 20</p> <p>1 wait, no.</p> <p>2 THE WITNESS: You're missing it, too.</p> <p>3 Because it only goes to Chicago Police Officers 4 and then it goes to 21. He's reading 5 Paragraph 20.</p> <p>6 MR. SMITH: Right.</p> <p>7 THE WITNESS: There's only two 8 sentences, and then it goes to 21.</p> <p>9 MR. SMITH: That's fine.</p> <p>10 THE WITNESS: Am I confused? I'm 11 sorry.</p> <p>12 BY MR. KING:</p> <p>13 Q. That's correct. That's okay.</p> <p>14 Paragraph 20 is just one sentence.</p> <p>15 A. I'm sorry.</p> <p>16 Q. Okay. And, again, it indicates that, 17 in 2007 while working an undercover narcotics 18 investigation, Plaintiffs uncovered evidence of 19 illegal activity being committed by various 20 Chicago Police Officers. And then the next 21 Paragraph it says, one of those officers was 22 Sergeant Ronald Watts. Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Okay. Prior to 2007, as alleged in</p>

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<p style="text-align: right;">Page 21</p> <p>1 Paragraph 20, you had been asked at some point 2 if you had any knowledge of any illegal activity 3 by Sergeant Watts, correct? 4 A. Correct. 5 Q. And when were you first approached 6 about illegal activity involving Sergeant Watts? 7 A. It was while I was assigned to Public 8 Housing South. I was -- 9 Q. So approximately what year? 10 A. It had to be at least ten years prior. 11 Q. Okay. 12 A. About ten years, at least, you know. 13 Q. Okay. 14 A. Maybe it was 9, maybe it was 11. 15 Q. Sure. And did someone discuss 16 Sergeant Watts with you at that time? 17 A. Yes. 18 Q. Who was -- who discussed Sergeant Watts 19 with you? 20 A. FBI Special Agent Ken Samuels. 21 Q. And what did Mr. Samuels say to you? 22 A. He originally contacted me -- let me 23 rephrase that. He contacted me and first asked 24 me about several -- he asked me about multiple</p>	<p>1 between the officer that went to him and 2 Ken Samuels. 3 Q. Okay. Was Sergeant Watts working in 4 the same Public Housing South unit at the time? 5 A. As me? 6 Q. As you. 7 A. Correct. 8 Q. Yes, okay. Who was the other officer 9 who had complained about -- or gone to the FBI? 10 A. Michael Spaargaren, 11 S-P-A-A-R-G-A-R-E-N. 12 Q. And do you know if it was Ken Samuels 13 that Mr. Spaargaren -- 14 A. I do. 15 Q. It was? 16 A. Yes, sir. 17 Q. And you know that based on what 18 Mr. Spaargaren told you? 19 A. Spaargaren, yes. 20 Q. Spaargaren. Sorry. 21 But you weren't present for the 22 conversation between Mr. Spaargaren and 23 Mr. Samuels? 24 A. I had no knowledge of him going to the</p>
<p style="text-align: right;">Page 22</p> <p>1 people, which included Sergeant Watts. He asked 2 me if I had any knowledge to the best of my 3 recollection. 4 Q. Sure. 5 A. The scope of the conversation was my 6 direct firsthand knowledge of any illegal 7 activity that I may have seen or witnessed from 8 these multiple officers, including Sergeant 9 Watts. 10 Q. And was this an in-person meeting with 11 Mr. Samuels or telephone? 12 A. No, it was not. It was telephone. 13 Q. Okay. Do you have any knowledge of how 14 or why Mr. Samuels came to reach out to you 15 about this subject? 16 A. Yes, I do. 17 Q. And why did he reach out to you? 18 A. It was because another officer that I 19 worked with in Public Housing had gone to the 20 FBI regarding the corruption within the Public 21 Housing South units and on multiple officers. 22 Q. Okay. Was Sergeant Watts one of those 23 officers? 24 A. I can't be sure of the conversation</p>	<p>1 FBI until after the fact. 2 Q. Okay. And do you know what 3 Mr. Spaargaren's conversation with Mr. Samuels 4 or anyone else at the FBI before you talked to 5 Mr. Samuels had to do with Ronald Watts? 6 A. I don't know that. 7 Q. Okay. It may have, it may not have? 8 A. I don't know. I wasn't present for 9 their conversations. 10 Q. Okay. So going back to your telephone 11 call with Ken Samuels approximately between 9 or 12 11 years approximately before 2007, tell me 13 again to the best of your recollection what 14 was said by Mr. Samuels and what was said by 15 you. 16 A. Well, he just basically asked me if I 17 had witnessed any illegal activity from 18 several -- he asked me about several different 19 people. 20 Q. Sure. 21 A. At which point I told him that I had 22 not witnessed anything and I was not aware of 23 anything. Because at the time, I had absolutely 24 no knowledge of that.</p>

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<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. So you didn't tell him that you 2 were aware of any -- 3 A. I didn't -- 4 Q. -- illegal activity by Ron Watts? 5 A. No. 6 Q. Okay. 7 A. I did not know that there was illegal 8 activity happening. 9 Q. Okay. But he asked you about several 10 people including Watts, correct? 11 A. I believe so, yes. 12 Q. Okay. 13 A. I don't know if it was during one 14 conversation or another conversation. At some 15 point in time, I was asked. 16 Q. Right. And given that you were 17 contacted by the FBI and asked if you were aware 18 of any illegal activity by officers including 19 Watts, it would be fair to say that you knew at 20 that point that the FBI was investigating Watts, 21 correct? 22 A. Well, I assumed that there would be 23 some type -- I knew that there were allegations 24 that had been made against multiple people.</p>	<p style="text-align: right;">Page 27</p> <p>1 conversation with Ken Samuels on that subject? 2 A. I did. 3 Q. Okay. 4 A. So I don't know if it was the first 5 conversation or at some point later on. 6 Q. Sure. 7 A. I can't tell you at what point Ronald 8 Watts came up, but at some point, he did come 9 up. 10 Q. Okay. Do you recall approximately how 11 many conversations you had with Ken Samuels? 12 A. I don't. 13 Q. Did it ever get to a point where you 14 reported to Ken Samuels yes, I do have 15 information about illegal activity by Officer 16 Watts or anyone else? 17 A. No. 18 Q. Okay. So between your last 19 conversation -- well, let's strike that. 20 And I'm going to butcher his name 21 again. Michael -- 22 A. Spaargaren. 23 Q. -- Spaargaren, okay. 24 Do you know if Mr. Spaargaren is still</p>
<p style="text-align: right;">Page 26</p> <p>1 Now, as I said before, the main person -- that I 2 don't believe Ron Watts was the main person I 3 was asked about initially. 4 Q. Okay. 5 A. There was another officer that I recall 6 specifically. 7 Q. Who was that officer? 8 A. His name was Joe Seinitz, 9 S-E-I-N-I-T-Z. And at the time, I just believed 10 by what these officers were bringing in, that 11 they were just really good officers, including 12 Ronald Watts. 13 Q. Okay. But my question is, would it be 14 fair to say that because you were contacted by 15 the FBI -- 16 A. I'm sorry. 17 Q. -- to ask you questions about certain 18 officers and their illegal activity, including 19 Ron Watts, you understood that the FBI was 20 investigating those officers, including Watts at 21 the time, correct? 22 A. That they were looking into 23 allegations, is what I thought. 24 Q. Okay. And did you have more than one</p>	<p style="text-align: right;">Page 28</p> <p>1 with the police department? 2 A. Yes, he is. 3 Q. Do you know what his current position 4 is? 5 A. I know that he just transferred from 6 the 9th District to a North Side district. I 7 can't be sure. 8 Q. Sure. Do you know what his rank is? 9 A. PO, police officer. 10 Q. Okay. Going back to Paragraph 20 of 11 the Amended Complaint. You indicate that you 12 and your partner uncovered evidence of illegal 13 activity being committed by various Chicago 14 Police Officers. Can you tell me what you 15 uncovered? 16 A. When you are in Narcotics, there is an 17 intelligence debriefing that goes on by the 18 enforcement officers, which was the position of 19 my partner, Danny Echeverria. 20 At the time, you interview the person 21 who sold the narcotics to the undercover officer 22 to gather further intelligence to go up the 23 chain for conspiracy. During his assignment on 24 the South Side, he was unfamiliar with Ronald</p>

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<p>1 Watts and not working with him or these 2 individuals before.</p> <p>3 Q. Sure.</p> <p>4 A. During debriefings, these detained 5 individuals, the arrestees, began to always talk 6 about being under arrest but yet you don't 7 prosecute your own, Sergeant Watts. You know, 8 he's out there running a dope line. And they 9 made multiple, multiple allegations.</p> <p>10 At first it was inconsistent and vague 11 and unbelievable because they couldn't give any 12 hard facts or anything.</p> <p>13 Q. Sure.</p> <p>14 A. And a lot of times people will say 15 anything to try to get out of an arrest. There 16 came a point, though, that Danny had -- Officer 17 Echeverria had interviewed a subject that was 18 able to give enough information that he could 19 further investigate and it concerned him that 20 there may be some truth to these allegations 21 that continuously surfaced on the same sworn 22 personnel. It never deviated from the 23 personnel.</p> <p>24 Q. Sure.</p>	<p>Page 29</p> <p>1 individuals that were identified --</p> <p>2 Q. Sure.</p> <p>3 A. -- that I had firsthand knowledge of.</p> <p>4 Q. Okay. So in Paragraph 20 where it 5 indicates that Plaintiffs uncovered evidence of 6 illegal activity, is it actually more accurate 7 to say that Plaintiff Echeverria uncovered 8 that --</p> <p>9 A. Yes.</p> <p>10 Q. -- and then informed you about it?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. Now, these intelligence 13 briefings where you indicate Officer Echeverria 14 would have learned of the allegations of illegal 15 activity, do you know who attends those 16 intelligence briefings?</p> <p>17 A. Usually it would be the enforcement 18 officers. And it could be one, two, three, I 19 mean, how many subjects are in the room.</p> <p>20 Q. Okay. And would sergeants be part of 21 those meetings?</p> <p>22 A. It was my understanding not usually, 23 unless they would be requested for some reason.</p> <p>24 Q. Okay. And how about lieutenants?</p>
<p>1 A. It was consistently the same ones.</p> <p>2 Q. Do you recall, in addition to Watts, 3 what other personnel these arrestees were giving 4 information on that suggested that they were 5 engaging in illegal activity?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Who would that be?</p> <p>8 A. Most of the time they would say his 9 crew, which was referring to his tact team.</p> <p>10 I -- you would have to ask Officer Echeverria 11 exactly who they did name.</p> <p>12 Q. Okay. But your understanding, they 13 named at least Watts and his tact team, was your 14 impression?</p> <p>15 A. During -- yes.</p> <p>16 Q. Okay.</p> <p>17 A. During his interrogations -- I was 18 not -- I shouldn't say interrogations.</p> <p>19 Interviews. I'm sorry. Let me stand corrected.</p> <p>20 As being an undercover, I would never be in the 21 room with that -- for the conversation.</p> <p>22 Q. Okay.</p> <p>23 A. And I don't recall specifically during 24 that. But I know later on down the line,</p>	<p>Page 30</p> <p>1 A. I don't believe I've ever known a 2 lieutenant to be in there.</p> <p>3 Q. Okay. Have you, yourself ever been in 4 a position where you participate in these 5 intelligence briefings that you testified to?</p> <p>6 A. While working in Narcotics --</p> <p>7 Q. Correct.</p> <p>8 A. -- as an undercover? Not while I was 9 working in an undercover.</p> <p>10 Q. Okay. So to the best of your 11 knowledge, Officer Echeverria was not the only 12 one in these intelligence briefings who was 13 receiving knowledge about the illegal activity 14 of Watts and others; is that correct?</p> <p>15 A. That's absolutely correct. I do know 16 of two other officers that were present --</p> <p>17 Q. What --</p> <p>18 A. -- at some point.</p> <p>19 Q. Who else was present?</p> <p>20 A. Trevor Stotts, S-T-O-T-T-S and 21 Ken Herrera.</p> <p>22 Q. And Trevor Stotts, do you know what his 23 position was at the time?</p> <p>24 A. He was an officer in Narcotics.</p>

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<p>1 Q. And the same for Ken Herrera?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Did you ever have any, you</p> <p>4 personally have any conversations with</p> <p>5 Mr. Stotts or Mr. Herrera about this alleged</p> <p>6 illegal activity?</p> <p>7 A. No, I did not.</p> <p>8 Q. Okay. Other than your partner,</p> <p>9 Officer Echeverria, did you ever have any</p> <p>10 discussions prior to going to the FBI with</p> <p>11 anyone within the Chicago Police Department</p> <p>12 about alleged illegal activity by Watts and</p> <p>13 others?</p> <p>14 A. I'm sorry, could you -- I'm not</p> <p>15 understanding.</p> <p>16 Q. Sure. You allege in your Complaint</p> <p>17 later on, and we'll get to this, that in roughly</p> <p>18 August of 2008, you -- well, let's strike that.</p> <p>19 Let's strike that.</p> <p>20 When you learned of the alleged illegal</p> <p>21 activity from your partner, Officer Echeverria,</p> <p>22 did you personally have any conversations with</p> <p>23 anyone else within Chicago Police Department</p> <p>24 about the alleged illegal activity?</p>	Page 33	<p>1 with Sergeant Roderick Watson about alleged</p> <p>2 illegal activity by Watts or others?</p> <p>3 A. No. I wasn't even on duty the day that</p> <p>4 that occurred.</p> <p>5 Q. Okay. And am I correct that at some</p> <p>6 point after Officer Echeverria contacted</p> <p>7 Roderick Watson, you or Officer Echeverria</p> <p>8 contacted the FBI about this subject?</p> <p>9 A. Yes. The day that Officer Echeverria</p> <p>10 reported this to Roderick Watson, it is Officer</p> <p>11 Echeverria's responsibility to complete the</p> <p>12 intelligence report, the debriefing and he has</p> <p>13 to sign off on that information. So he directly</p> <p>14 asked the sergeant, how do you want me to handle</p> <p>15 this, how do you want me to document this, what</p> <p>16 do I need to do. Because he had not come across</p> <p>17 these circumstances prior.</p> <p>18 And he was given a direct order by</p> <p>19 Sergeant Watson to disregard all that</p> <p>20 information and make the report a negative,</p> <p>21 meaning no intelligence was gathered.</p> <p>22 Q. And what you just testified to about</p> <p>23 this alleged direct order, the basis for your</p> <p>24 information on that is what Officer Echeverria</p>	Page 35
<p>1 A. No, I did not because I was not present</p> <p>2 for the information. But I did instruct Danny</p> <p>3 to go to his -- go to the supervisor on the</p> <p>4 scene and inform them of this immediately so</p> <p>5 that they could take the appropriate action</p> <p>6 necessary and make a determination how they</p> <p>7 wanted to proceed with this.</p> <p>8 Q. Okay. And to your knowledge, did</p> <p>9 Officer Echeverria do that?</p> <p>10 A. Yes, he did.</p> <p>11 Q. Okay. Do you know who that person he</p> <p>12 went to was?</p> <p>13 A. I do.</p> <p>14 Q. Who was that?</p> <p>15 A. Sergeant Roderick Watson.</p> <p>16 Q. And do you recall -- what was it, the</p> <p>17 first time that Officer Echeverria told you</p> <p>18 about this alleged illegal activity that you</p> <p>19 recommended that he go to the supervising</p> <p>20 officer or was it some point down the line?</p> <p>21 A. It was the first time that he received</p> <p>22 credible information, that it was reported</p> <p>23 immediately.</p> <p>24 Q. Okay. Did you, yourself ever speak</p>	Page 34	<p>1 told you, correct?</p> <p>2 A. That is correct, because he contacted</p> <p>3 me again --</p> <p>4 Q. Okay.</p> <p>5 A. -- informing me of that.</p> <p>6 Q. Okay. And after that contact that you</p> <p>7 were just speaking of, did you or Officer</p> <p>8 Echeverria contact the FBI at any point?</p> <p>9 A. Well, after that. Because at first, I</p> <p>10 thought that maybe the reasoning for the</p> <p>11 negative debriefing was that maybe Sergeant</p> <p>12 Watson was going to initiate a confidential</p> <p>13 investigation or something. You know, he's a</p> <p>14 supervisor, I was pretty confident that he was</p> <p>15 going to handle it according to department rules</p> <p>16 and regulations.</p> <p>17 But through the, you know, chain of</p> <p>18 events that followed and, you know, the</p> <p>19 information kept flowing in, it became evident</p> <p>20 that the department was not -- I didn't -- I did</p> <p>21 not have the confidence that an investigation, a</p> <p>22 fair investigation would happen within the</p> <p>23 department --</p> <p>24 Q. Okay.</p>	Page 36

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<p style="text-align: right;">Page 37</p> <p>1 A. -- looking into the allegations.      2 Q. Okay. I just move to strike as not      3 being responsive to my question, which was      4 simply at some point did you contact the FBI      5 about --      6 A. Yes.      7 Q. -- the alleged illegal activity of      8 Watts and others.      9 A. Yes.      10 Q. Okay. And if we look at Paragraph 23      11 of your Complaint, your Amended Complaint, it      12 indicates that in 2007, Plaintiffs reported to      13 FBI Special Agent PS the illegal activity by      14 Sergeant Watts and others who worked with him.      15 The PS is Patrick Smith, correct?      16 A. Yes.      17 Q. Okay. And in terms of this reporting      18 to Patrick Smith initially, did you make that      19 report or did Officer Echeverria make that      20 report?      21 A. I did.      22 Q. Okay.      23 A. I contacted Agent -- Special Agent      24 Patrick Smith initially and informed him that I</p>	<p style="text-align: right;">Page 39</p> <p>1 could contact him.      2 Q. Sure.      3 A. Because I knew that at some point so      4 long ago, there was an investigation into it;      5 however, I did not know if it was closed, if it      6 was still open and active, if it was closed with      7 negative results.      8 Q. And Mr. Smith told you that he was well      9 aware of the Watts investigation?      10 A. Correct. And --      11 Q. And in this initial phone conversation,      12 do you recall Mr. Smith saying anything else?      13 A. I know we had spoke, I don't know if it      14 was the same day or again. But we -- at one      15 point he did say, when you said you had some      16 information, I never thought it would be as big      17 as the Watts case. And --      18 Q. Okay. Let's just talk about that first      19 conversation. And you just said, you're not      20 sure if that was in the first conversation.      21 You testified that in the first      22 conversation he did indicate that he was well      23 aware of the Watts investigation. Do you recall      24 him saying anything else in that first</p>
<p style="text-align: right;">Page 38</p> <p>1 had information on what I believed was at one      2 time an investigation by Special Agent Ken      3 Samuels into corrupt activity by Sergeant Ronald      4 Watts, and if he could put me in contact with      5 Ken Samuels again.      6 Q. How did you -- was it random that you      7 contacted Patrick Smith or was there a reason      8 that you went to him?      9 A. Because I had worked with Patrick Smith      10 prior to that.      11 Q. Okay.      12 A. So I just happened to have his number.      13 Q. Sure.      14 A. And so I contacted him asking him if he      15 personally could give me Ken Samuels' number --      16 Q. Sure.      17 A. -- or if he knew him. And he said that      18 he was well aware of the Watts investigation and      19 had been involved on a certain level with Ken      20 Samuels on it.      21 Q. Okay. Now, this initial contact, you      22 had a phone conversation with Mr. Smith?      23 A. Yes, I did. I called him and was      24 requesting to meet with Ken Samuels or how I</p>	<p style="text-align: right;">Page 40</p> <p>1 conversation?      2 A. I recall him saying that he knew      3 Ken Samuels and knew that Ken Samuels had that      4 investigation.      5 Q. Okay. Did he say, I'll get you to      6 Ken Samuels or you can deal with me on this?      7 A. He said he was going to talk to      8 Ken Samuels.      9 Q. Okay. Was it your understanding that      10 Ken Samuels was still in the FBI at that point?      11 A. Yes.      12 Q. Okay. And other than what you've      13 already testified to, do you recall anything      14 else that you said or that Patrick Smith said in      15 that first conversation?      16 A. I know that we were going to provide      17 the information. I don't know if that was the      18 first conversation or the next conversation      19 or -- but I know that he was going to have a      20 conversation with Ken Samuels.      21 I can't be sure if it was the exact      22 conversation of -- at some point I was asked.      23 Like how I knew Ken Samuels had it and I had      24 said I had spoken to him so many years prior --</p>

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1     Q. Sure. 2     A. -- and I didn't even know if it was an 3 active case or what had happened. 4     Q. Sure. 5     A. But I can't be 100 percent that that 6 was the very initial conversation. 7     Q. Sure, sure. 8     A. It was just that we were going to come 9 in at some point and provide the information. 10    Q. Okay. And at some point, did you go 11 in -- 12    A. Yes. 13    Q. -- and meet with Patrick Smith? 14    A. I'm sorry. Yes, we did. 15    Q. Was Ken Samuels part of that meeting, 16 also? 17    A. No, not in the first meeting. He was 18 not. 19    Q. Okay. And between the first 20 conversation you had with Patrick Smith and the 21 time you went in to meet, do you recall if you 22 had any other conversations with Patrick Smith 23 or was there the one phone call and then you had 24 a meeting?	Page 41	1     Q. I know it's been a long time. 2     A. It has been. 3     Q. What's your best recollection of 4 what -- 5     A. I know that they introduced themselves. 6 We went into a small conference room in the FBI 7 building, at which point we presented the facts 8 that we had, the information that we had to them 9 so that an outside investigation -- an 10 investigation by an outside agency could be 11 conducted. We would provide the information and 12 that would be it. 13    Q. Okay. Well, what do you recall the 14 facts and the information being that you related 15 to them in this meeting? 16    A. Just what I told you earlier, that 17 continuously the same names continuously popped 18 up by people from different areas, whether it 19 was Englewood or Idabeballs (phonetic) or the 20 South Side, all consistently naming Ronald Watts 21 and members of his team committing the same 22 crimes of robbing the drug dealers, false 23 arrests, stealing the money, extortion. 24    Q. Sure.	Page 43
1     A. I don't recall. 2     Q. Okay. And at the time that you -- 3 strike that. 4     So at some point you and Officer 5 Echeverria, I assume, have a meeting with 6 Patrick Smith? 7     A. Correct. 8     Q. And was anyone else present for that 9 initial meeting? 10    A. Yes. 11    Q. Who else was present? 12    A. Special Agent Julie Anderson. 13    Q. And Ms. Anderson was with the FBI? 14    A. Correct. 15    Q. Anyone else? 16    A. No. 17    Q. Okay. So it was Patrick Smith, you and 18 Officer Echeverria and Special Agent Julie 19 Anderson? 20    A. Correct. 21    Q. Okay. What's your best recollection 22 chronologically if you can who said what in the 23 course of that meeting? 24    A. Oh, gosh.	Page 42	1     A. Just a whole laundry list. 2     Q. Okay. 3     A. And we provided that information. They 4 asked some questions and -- 5     Q. Do you recall what questions they 6 asked? 7     A. Well, you know, our names, where we 8 worked, where we were assigned, how Danny came 9 across the information, asked me previously how 10 I knew about -- how I previously knew Ken 11 Samuels -- 12    Q. Sure. 13    A. -- had the case. And I told him that I 14 had spoke with him so long ago. 15    Q. Sure. 16    A. And they were just vague, you know, 17 conversations. You know, the FBI doesn't give 18 you a lot of information when they call you. 19 They want information. 20    Q. Sure. 21    A. And I know we concluded the meeting 22 with he was going to pass this information along 23 to Ken Samuels and they may be working on the 24 investigation with him.	Page 44

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1     Q. Okay. 2     A. And we left the building knowing that 3     we had provided the information and -- 4     Q. Sure. 5     A. -- we thought we were out of it. 6     Q. Okay. 7     A. Because with Ken Samuels, I never heard 8     back from him again so. 9     Q. Okay. So you never heard from Ken 10    Samuels on the investigation? 11    A. After he talked to me about it? 12    Q. Right. 13    A. No, I never did. 14    Q. Okay. 15    A. And so -- 16    Q. You've answered my question. 17    A. Thank you. 18    Q. Okay. But you did have further contact 19    with Patrick Smith about the Watts matter? 20    A. After that meeting? 21    Q. After the initial meeting. 22    A. Correct. 23    Q. Okay. And did you have any more 24    in-person meetings with Patrick Smith or just	Page 45 1     A. Yes. 2     Q. Do you recall how many telephone calls 3     you may have had? 4     A. I can tell you initially they were 5     sporadic and then as time passed, it became more 6     frequent. 7     Q. Okay. 8     A. And more demanding on our part to the 9     point that I was a little uncomfortable with 10    it. 11    Q. You mean it was more demanding in the 12    sense that it was encroaching on your work time 13    as a Chicago Police Officer? 14    A. No. He was requesting us to come in 15    during hours that we couldn't or anything like 16    that. So we told him, we cannot meet with you 17    or talk to you. At one point he called me and 18    wanted to know if I could meet him, you know, at 19    a certain time and I said, I can't, I'm working 20    and -- tomorrow. And he said, well, can't you 21    break away. And I said, you know, it doesn't 22    work that way. We can't do that. 23    Q. Okay. 24    A. And that's the point where I became
1     telephone calls? 2     A. I believe we did meet in person. 3     Again, always when we were off duty, on our own 4     time. 5     Q. Okay. And how many times do you think 6     you met in person with him after that initial 7     meeting? 8     A. Are you talking through the whole 9     investigation? 10    Q. Yes. 11    A. Well, we went to work directly with 12    him, so it would be -- we would see him every -- 13    I mean, I can't even begin to guess. 14    Q. Okay, that's fine. 15    Well, let's say prior to August 16    of 2008, how many in-person meetings do you 17    think you had with Patrick Smith after the first 18    one, if any? 19    A. I can just tell you multiple, but I 20    can't be sure how many. 21    Q. Okay. And did you also have any 22    telephone calls during that -- with him during 23    that period after the first meeting and prior to 24    August of 2008?	Page 46 Page 48 1     uncomfortable. Because if you're going to call 2     me on my day off and ask me if I know if Watts 3     is on vacation or not or something, I can say 4     yes or no; but to meet with you, no. I -- no. 5     Q. Do you recall when -- that conversation 6     where he wanted you to meet with him during work 7     hours, do you recall when that was? 8     A. I recall that it made me so 9     uncomfortable that Danny and I decided that we 10    needed to go contact the chief of our own IAD. 11    And it was -- so it was shortly before we met 12    with Chief Tina Skahill of IAD in August 13    of 2008. 14    Q. And before that meeting with Tina 15    Skahill, which we'll talk about in August 16    of 2008, is it your testimony that you never met 17    with Patrick Smith or talked to Patrick Smith on 18    the phone or otherwise provided any information 19    to the FBI during your work hours? 20    A. I may have taken a phone call and said 21    I'll have to call you back or something like 22    that. Everybody answers, you know, their phone. 23    Q. Okay. 24    A. But no. We would always meet with

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<p style="text-align: right;">Page 49</p> <p>1 Patrick Smith or provide information or 2 something like that on our own time. 3 Q. Okay. If you take a look at 4 Paragraph 26 of the Amended Complaint. This 5 August, 2008 meeting, is that the meeting you 6 just testified to where Tina Skahill was 7 present? 8 A. Correct. 9 Q. Okay. Who else was present at that 10 meeting? 11 A. Unbeknownst to us -- Officer Echeverria 12 and I had a scheduled meeting. Unbeknownst to 13 us when we walk in, Special Agent Patrick Smith 14 was there along with Sergeant Tom Chester and 15 commanding officer of IAD at the time Barbara 16 West. 17 Q. Okay. 18 A. Along with Chief Skahill, of course. 19 Q. And was Tom Chester with Internal 20 Affairs Division, also? 21 A. Yes. 22 Q. Okay. 23 A. He's the FBI liaison of the 24 confidential investigation section for Chicago</p>	<p style="text-align: right;">Page 51</p> <p>1 just back up. Prior to the meeting with Chief 2 Skahill, I had -- I believe it was Officer 3 Echeverria notified Patrick Smith that we 4 intended on going to the chief of IAD because he 5 was requesting our involvement and it made us 6 uncomfortable. So when we walked in and saw 7 Patrick Smith there, we were floored. 8 Q. Okay. 9 A. And we had no idea who any of these 10 individuals were. Tina Skahill was very 11 welcoming, very professional, made you feel like 12 you were coming to the right place. She 13 introduced everybody in the room, she told us to 14 have a seat. 15 She said that they had had a meeting 16 prior to us coming in. They, meaning the other 17 people present, Barb West, Tom Chester, Patrick 18 Smith. At which point they had determined that 19 the Watts investigation, that we had enough 20 intelligence, that we had enough credible 21 information, that they could revive the current 22 investigation that was stalled. 23 Q. Who said this? 24 A. Tina Skahill.</p>
<p style="text-align: right;">Page 50</p> <p>1 Police. 2 Q. And had you been under the impression 3 that you were only going to meet with Tina 4 Skahill? 5 A. Yes. 6 Q. Okay. How did you set up the meeting 7 with Tina Skahill? 8 A. Officer Echeverria called and made an 9 appointment. 10 Q. Okay. What do you recall being said by 11 you and everyone else in this August, 2008 12 meeting? 13 A. The short version? 14 Q. I'm afraid to say I think I need the 15 long version. 16 A. Oh, no. 17 Q. I need your best recollection of 18 everything that was said in that meeting -- 19 A. Okay. 20 Q. -- from the beginning until the end, as 21 best you can recall. 22 A. I can recall. 23 Q. Okay. 24 A. We walked in the door -- and let me</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay. 2 A. With our involvement in the 3 investigation. 4 Q. Okay. 5 A. We were told that the investigation 6 under Ken Samuels was not closed out, but -- I 7 forgot the FBI term that they use. 8 Q. Okay. 9 A. But just dormant, like stalled. 10 Q. Okay. 11 A. Because they were unable to gather any 12 current information on activity to -- 13 Q. Okay. I just want to make sure you're 14 telling me what was said in this meeting. 15 A. Yes. 16 Q. Okay. 17 A. And so then we were told that what we 18 were going to do is be detailed to 543. 19 Q. Let me stop you for a second. Did 20 anyone other than Tina Skahill say anything in 21 the meeting? 22 A. I know that Patrick Smith -- everyone 23 was talking at some point. 24 Q. Okay.</p>

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<p>1 A. It was an interactive conversation.  2 Q. Okay. I'm sorry, continue. What else  3 do you recall being said and by whom in the  4 meeting?  5 A. Okay. Well, then Tina Skahill wanted  6 to hear our story, like what had happened. And  7 I believe Officer Echeverria, since he's the one  8 that made the appointment, laid the facts on the  9 table and told them, this is the information I  10 got, this is how I got it, this is who I  11 reported it to, this is additional information I  12 learned.  13 I -- you know, we learned that there's  14 been so many open CR numbers against these same  15 individuals and, you know, all this time has  16 gone by from the first time I was contacted and  17 we decided to go on our own to FBI and, you  18 know.  19 Q. Was the conversation just about Officer  20 Watts or other individuals, as well?  21 A. No. The member of his tact team, as  22 well.  23 Q. Okay. Were the specific names --  24 A. Yes.</p>	Page 53	<p>1 Q. Okay. Was it your point of going to  2 the FBI to get approval to work on this with --  3 during your regular work hours?  4 A. Going to the FBI?  5 Q. Going to the department. I'm sorry.  6 A. No. It was to inform Tina Skahill that  7 we had gone to the FBI and that this agent was  8 now contacting us and wanting us to break away  9 and -- or meet with him and we informed him that  10 we couldn't.  11 Q. Okay. So were you trying to get  12 Officer Skahill to protect you from having to  13 work on this investigation or get authorization  14 to work on it during work hours?  15 A. No. It was to inform her of the action  16 that we had taken and we didn't know -- you  17 know, we work for Chicago Police Department --  18 Q. Yes.  19 A. -- we're unfamiliar with the rules and  20 regulations on what exactly you can and cannot  21 do with these agents.  22 Q. Okay.  23 A. And in order for this to remain  24 confidential -- because I do recall now that</p>	Page 55
<p>1 Q. -- discussed in that meeting?  2 A. Yes.  3 Q. Okay. And Officer Mohammed was one of  4 them?  5 A. Yes.  6 Q. Okay. What else do you recall, if  7 anything, you or anyone else saying in the  8 meeting?  9 A. I remember that we were being told that  10 we were going -- we're not asking you to go to  11 this investigation. I remember that I voiced  12 extreme concern because I worked with these  13 individuals from the start of my career, one of  14 the named targets I actually graduated the  15 academy with and I also knew the allegations  16 that were made against Sergeant Watts --  17 Q. Sure.  18 A. -- and they're serious allegations.  19 And not only is he working with -- allegedly  20 working with these gang members and committing  21 these crimes, he also has the ability to look  22 into who's investigating him and he has the  23 ability to use the police systems and it made me  24 extremely nervous.</p>	Page 54	<p>1 Patrick Smith and Julie Anderson said, we must  2 keep this confidential, the investigation must  3 remain confidential. We cannot talk about this  4 to anyone or we would be interfering with the  5 investigation and could jeopardize it. So we  6 couldn't just go ask our own sergeant.  7 Q. Sure.  8 A. So we know that IAD does confidential  9 investigations.  10 Q. Sure.  11 A. So we went to get clarification from  12 her and make sure that we weren't coloring  13 outside the lines in any capacity before, you  14 know, Patrick Smith was requesting what I felt  15 was too much. And so we just wanted to -- and  16 you can't -- with confidential information, you  17 don't know who's friends with who --  18 Q. Sure.  19 A. -- so we went to the chief.  20 Q. Sure, sure. And you said you were told  21 in that meeting that you needed to keep this  22 confidential?  23 A. Yes, yes, yes.  24 Q. Okay. Other than what you've already</p>	Page 56

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<p>1 testified to, what do you recall else, if  2 anything, being said in this August, 2008  3 meeting?</p> <p>4 A. I recall Tina Skahill saying that this  5 is going to be a very good move for you, it is  6 necessary. This is a very important  7 investigation to the department, you have the  8 resources, you have the ability to close this  9 out with positive results, your concerns are  10 unwarranted, we would never just throw you back  11 into patrol, you will be protected, your  12 identity will never be revealed.</p> <p>13 In fact, you know, you can be made  14 meritorious sergeant from this because --  15 meritorious means when you go above and beyond.  16 You know it's not -- that's what it's supposed  17 to be for. You can remain on the task force so  18 you don't go right back into patrol and some --  19 you know, that's I think a three or five-year  20 detail.</p> <p>21 She said, we protect our people at all  22 costs, it will never come back to you. You have  23 nothing to worry about as long as you don't ever  24 talk about this. Chief Skahill, Tom Chester --</p>	Page 57	Page 59
<p>1 Q. Go ahead. I'm sorry.</p> <p>2 A. They then said, this is how we're going  3 to proceed.</p> <p>4 Q. Let me stop you for a second. When  5 Sergeant -- I'm sorry. When Tina Skahill was  6 saying, this will be a good move for you, you  7 could be made meritorious sergeant, you could  8 remain on the task force, you understood that as  9 she was giving you possible outcomes following  10 this investigation, she wasn't promising you  11 those things, correct?</p> <p>12 A. She was promising us that we would be  13 one, protected --</p> <p>14 Q. Yes.</p> <p>15 A. -- two, our identity would never be  16 revealed; and three, we would be able to go  17 within a specialized unit of like the FBI Task  18 Force or something so we would not transition  19 right back into the Chicago Police Officers  20 directly or promoted so that you're not back in  21 the rank and files until it's safe to do so.</p> <p>22 Q. Okay. Is it your understanding that in  23 that meeting, Tina Skahill was promising you a  24 promotion?</p>	Page 58	Page 60

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<p style="text-align: right;">Page 61</p> <p>1 that were in the room. And I believe the people 2 above her at the time was Debra Kirby, Brust and 3 Jodie Wies. And other than that, we were given 4 a story to stick to.</p> <p>5 Q. Okay.</p> <p>6 A. No matter who asked us.</p> <p>7 Q. Okay. And this is Tina Skahill giving 8 you this information?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. At points Barb West may have been 12 talking and Tom Chester was definitely talking.</p> <p>13 Q. Okay.</p> <p>14 A. And they were just breaking it down and 15 explaining, but the majority of the information 16 came from Chief Skahill.</p> <p>17 Q. Okay. And while I understand they were 18 indicating it would be a confidential 19 investigation, did anyone say that the folks, 20 the people that would know about it would be on 21 a need to know basis?</p> <p>22 A. Yes.</p> <p>23 Q. Okay, all right.</p> <p>24 A. Oh, no.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. -- or Officer Echeverria, correct?</p> <p>2 A. No.</p> <p>3 Q. Correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. Do you recall anything else 6 being said --</p> <p>7 A. Yes, I remember Tina --</p> <p>8 Q. -- in the August, 2008 meeting?</p> <p>9 A. So sorry.</p> <p>10 Q. That's okay.</p> <p>11 A. Tina Skahill and Patrick Smith 12 discussed that the FBI was to give us vehicles 13 and we would be using FBI vehicles and that we 14 would complete packets for our credentials so 15 that we would report to 2111 West Roosevelt on a 16 regular basis and we would report our -- the 17 liaison, our direct contact for CPD was Tom 18 Chester. We could go into 543.</p> <p>19 The only person that would -- in 543 20 that knew what we would be doing was then 21 Lieutenant and Commanding Officer Liz Glatz, 22 G-L-A-T-Z. And if anyone, including a 23 lieutenant or someone, asked us anything, just 24 say you work for Tom Chester and they should</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Other than what you've already 2 testified to, is there anything else you recall 3 being said in that meeting?</p> <p>4 A. I have a question. When you say on a 5 need to know basis, are you talking -- I 6 perceive that question to mean that we were not 7 to discuss it with other people.</p> <p>8 Q. Okay.</p> <p>9 A. Am I correct?</p> <p>10 Okay. So my answer to yes is meaning 11 that I am not to discuss it with other people 12 because there's only certain people that need to 13 know about the investigation.</p> <p>14 Q. Correct.</p> <p>15 A. Okay. And we do our reports and give 16 them to Tom Chester and Tom Chester briefs, 17 whether it's Tina Skahill --</p> <p>18 Q. Sure.</p> <p>19 A. -- or the superintendent or whoever. 20 But we don't go outside that square.</p> <p>21 Q. Sure, right. But the certain people 22 who would need to know about the investigation, 23 was not determined by you --</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 64</p> <p>1 know immediately not to ask you anything 2 further.</p> <p>3 Q. Okay.</p> <p>4 A. And then she said that it was going to 5 happen quick, that we were going to be moved 6 right away. She -- they stressed the importance 7 of keeping our identity confidential --</p> <p>8 Q. Okay.</p> <p>9 A. -- is not to discuss this.</p> <p>10 Q. Right.</p> <p>11 A. Gave us the story that we were going to 12 be -- once again, we were detailed to 543 and 13 the story was that we were being borrowed as 14 intelligence to the FBI Narcotics Task Force. 15 So we were to also, you know, along the way have 16 stories ready for -- you know, you're going to 17 run into police personnel.</p> <p>18 Q. Sure.</p> <p>19 A. They're going to ask you where are you 20 working, what are you doing.</p> <p>21 Q. Sure.</p> <p>22 A. So make sure you're prepared for that.</p> <p>23 Q. Did they tell you what to say to those 24 people who may ask you what you're doing?</p>

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<p style="text-align: right;">Page 65</p> <p>1 A. Yeah. You're borrowed to the FBI 2 Narcotics Task Force and, you know, discuss what 3 you want about that but be vague. But questions 4 will come up, you know, who are you working for. 5 Q. Sure. 6 A. Many officers -- when we got to 7 2111 West Roosevelt, we realized there was a 8 whole lot of CPD personnel in there. 9 Q. And that address is the FBI 10 headquarters, correct? 11 A. Yes. 12 Q. Okay. Do you recall anything else 13 being said at the August, 2008 meeting? 14 A. You know, we were given the BlackBerry 15 numbers of Barb West, Tom Chester, Tina Skahill 16 for direct contact. 17 Q. Okay. 18 A. We were told that, you know, we weren't 19 going to discuss this with anyone from 20 Narcotics, that it would be handled at the chief 21 level. 22 Q. Okay. 23 A. We would at some point be told -- how 24 it was going to happen is somebody from</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Okay. And I don't want to hear about 2 secrets or no secrets. What else was said in 3 the August, 2008 meeting? 4 A. I was just about to tell you. I said 5 in the meeting, it's no secret that when you go 6 against other officers in the department, the 7 things that can happen to you. 8 Q. Someone said that in the meeting? 9 A. I said it. 10 Q. Okay. You said it? 11 A. Yes. 12 Q. Okay. 13 A. And I was extremely concerned. 14 Q. Okay. 15 A. And we were reassured that we were 16 doing the right thing and that, you know, we 17 would be protected. 18 Q. Okay. 19 A. And that people come forward and you 20 never know about it, we should have no fears. 21 Q. Okay. They were basically telling you 22 they do things like this all the time, you 23 shouldn't worry? 24 A. Correct.</p>
<p style="text-align: right;">Page 66</p> <p>1 Narcotics would just tell us that we're on an 2 order to go and we just say, okay. 3 Q. Okay. 4 A. But we don't -- you don't go to work 5 and ask or anything, it was just going to be 6 handled. 7 Q. Okay. 8 A. Run silent. 9 Q. Okay. Other than what you've already 10 testified to, do you recall anything else said 11 in the August, 2008 meeting? 12 A. I know that we were reassured that we 13 were doing the right thing and we were thanked 14 for coming forward and that, you know, it's no 15 secret in the Chicago Police Department that 16 when you go against officers -- 17 MR. KING: I move to strike the 18 response. 19 BY MR. KING: 20 Q. My question is do you recall anything 21 else being said -- 22 A. Yes. 23 Q. -- in the August, 2008 meeting? 24 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. Anything else you can recall 2 being said in that meeting? 3 A. I think the major points are covered. 4 Q. Okay. 5 A. I believe so. 6 Q. Okay. Was it your understanding 7 that -- well, strike that. 8 Just so I'm clear, would you say that 9 you and Officer Echeverria agreed to participate 10 under these terms, you weren't -- this wasn't 11 something you were coerced to do against your 12 will, was it? 13 A. Well, I can tell you we were told in 14 this meeting, we're not asking, we're informing 15 you that you will be part of this 16 investigation. 17 Q. Okay. Did you agree to be part of the 18 investigation? 19 A. When a chief tells you you're going to 20 be part of the investigation, you agree to it. 21 Q. Okay. 22 A. Yes. 23 Q. Okay. My question is did you not want 24 to be part of this investigation but you were</p>

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<p>1 ordered to, is that what your testimony is?</p> <p>2 A. I was concerned about being part of</p> <p>3 this investigation and I was reassured that --</p> <p>4 from the chief that it would be fine. And so</p> <p>5 yes, we agreed to be part of the</p> <p>6 investigation --</p> <p>7 Q. Okay.</p> <p>8 A. -- under those conditions.</p> <p>9 Q. Fair enough, okay.</p> <p>10 Was it your understanding that</p> <p>11 immediately after that meeting, you were going</p> <p>12 to Detached Services or would it be some time</p> <p>13 later that you would be told that you were going</p> <p>14 to Detached Services?</p> <p>15 A. She just said that it would happen</p> <p>16 soon.</p> <p>17 Q. Okay. If you'll look at Paragraph 28</p> <p>18 of the Amended Complaint. You say that certain</p> <p>19 CPD command staff knew of your involvement with</p> <p>20 the Watts investigation, including the</p> <p>21 superintendent and former deputy superintendent</p> <p>22 Kirby and the chief of IAD at the time was Tina</p> <p>23 Skahill and later Juan Rivera, correct?</p> <p>24 A. Correct. And also to that list I</p>	<p>Page 69</p>	<p>1 IAD office, I believe it would be the chief.</p> <p>2 And whether Barb West was present or not, I was</p> <p>3 not at the meetings or the briefings.</p> <p>4 Q. Okay. During the August, 2008 meeting,</p> <p>5 are you -- is it your testimony that you were</p> <p>6 told that the superintendent would be made aware</p> <p>7 of your involvement in Operation Brass Tax?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. During that August, 2008</p> <p>10 meeting, is it your testimony that you were made</p> <p>11 aware that Deputy Superintendent Kirby would be</p> <p>12 made aware of your involvement in the</p> <p>13 investigation?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And obviously Chief Skahill was</p> <p>16 in the meeting, so she knew about your</p> <p>17 involvement of the investigation, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And you think that Mr. Brust, that he</p> <p>20 may or may not have told you that he would also</p> <p>21 be made aware of your involvement in the</p> <p>22 investigation, is that your best recollection?</p> <p>23 A. My recollection is his name came up as</p> <p>24 being a person that had knowledge of it, but I</p>	<p>Page 71</p>
<p>1 believe was Brust, who worked under Jodie Wies,</p> <p>2 and I cannot tell you --</p> <p>3 Q. Sure.</p> <p>4 A. -- his position or his first name or</p> <p>5 anything. I never met the man.</p> <p>6 Q. That's fine. What's your basis for</p> <p>7 saying Superintendent Wies was aware of your</p> <p>8 participation in the investigation?</p> <p>9 A. Because during that meeting with Chief</p> <p>10 Skahill, Tom Chester, Barb West and Patrick</p> <p>11 Smith, we were told the only people that will</p> <p>12 know about it are the people in the room and</p> <p>13 that list was given to us, these people. And</p> <p>14 nobody else outside this circle, other than</p> <p>15 Liz Glatz.</p> <p>16 MR. KING: I move to strike the answer</p> <p>17 as nonresponsive.</p> <p>18 BY MR. KING:</p> <p>19 Q. What's your basis for saying that the</p> <p>20 superintendent of police Jodie Wies had</p> <p>21 knowledge of your involvement in the Watts</p> <p>22 investigation?</p> <p>23 A. Because the superintendent was briefed</p> <p>24 about Operation Brass Tax by somebody from the</p>	<p>Page 70</p>	<p>1 don't know if it was in this meeting or later on</p> <p>2 in the investigation.</p> <p>3 Q. Okay. So these individuals,</p> <p>4 Superintendent Kirby and Brust possibly, you</p> <p>5 were being told in the meeting that they already</p> <p>6 had knowledge of this?</p> <p>7 A. That they --</p> <p>8 Q. Correct?</p> <p>9 A. That they -- I was being told that they</p> <p>10 would be the only ones who would have knowledge.</p> <p>11 Whether they already had knowledge or they had</p> <p>12 knowledge after the meeting, I can't say because</p> <p>13 I'm not privilege to those meetings.</p> <p>14 Q. Right, right. So you have no personal</p> <p>15 knowledge of what the superintendent had</p> <p>16 knowledge of with respect to your involvement in</p> <p>17 the investigation, correct?</p> <p>18 MR. SMITH: Objection, are you asking</p> <p>19 at the time of the meeting or subsequent?</p> <p>20 BY MR. KING:</p> <p>21 Q. I'm asking at the time of the meeting.</p> <p>22 A. I have no idea.</p> <p>23 Q. Okay. So after that August, 2008</p> <p>24 meeting, there was a period of time where you</p>	<p>Page 72</p>

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1 continued to work in Narcotics before you were 2 told that you were being detailed to Detached 3 Services, correct? 4 A. Yeah, about two days. 5 Q. About two days, okay. 6 So on Paragraph 29 of the Amended 7 Complaint, you indicated that you were detailed 8 to Detached Services at a certain point and you 9 then reported directly to FBI headquarters; is 10 that correct? 11 A. Yes. 12 Q. And our records indicate you were 13 detailed to Detached Services early August, 14 2008. Does that sound correct? 15 A. That's what your records reflect? 16 Q. Yes. 17 A. That's -- 18 Q. I'm just asking if that sounds correct 19 to you. 20 A. Yes, because it was immediately after 21 the meeting with Chief Skahill. 22 Q. Okay. 23 A. When I say immediately, days. That 24 fast.	1 Q. Okay. 2 A. -- Tom Chester, Liz Glatz. We reported 3 to her periodically. We would go into 543, but 4 2111 West Roosevelt is where we reported. 5 Q. Okay. Paragraph 30 of the Complaint 6 you say, over the next several years, Plaintiff 7 continued to work on Operation Brass Tax. 8 During that time, you were also encouraged by 9 CPD command staff to develop other Narcotics 10 related cases, which overlapped with their work 11 on Operation Brass Tax. 12 Who encouraged you to develop other 13 Narcotics cases as alleged in Paragraph 30? 14 A. Juan Rivera. 15 Q. Okay. And at the time Juan Rivera was 16 chief of the Internal Affairs Division, correct? 17 A. Correct. 18 Q. And do you know why Chief Rivera asked 19 you to also work on other Narcotics cases? 20 A. Yes. 21 Q. Why? 22 A. Because I told him that during the 23 course of the investigation, we were coming 24 across very credible Narcotics information that
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1 Q. Okay. And when you were then detailed 2 to Detached Services and reporting to the FBI, 3 was it your understanding at that point that 4 that was all you were going to do, was work on 5 the Watts case with the FBI or would you work on 6 the Watts case as needed and then you performed 7 other responsibilities in the Detached Services 8 unit? 9 A. Our purpose for being detailed to the 10 FBI was to work on Operation Brass Tax. 11 Q. At the time you were detailed to 12 Detached Services, was it your understanding 13 that you were going to spend all of your work 14 time working on Operation Brass Tax or that you 15 would work on it periodically as needed and also 16 have some responsibilities within Detached 17 Services? 18 A. Work on Operation Brass Tax full time 19 with no responsibility -- other responsibilities 20 within 543. 21 Q. Okay. And what was the basis for that 22 understanding? 23 A. Because that's what we were told we 24 were going to do in that meeting by the chief --	1 did not pertain directly to Operation Brass Tax 2 but that Chicago Police Narcotics Division could 3 use and develop conspiracies or search warrants. 4 And he said, as long as it doesn't compromise 5 Brass Tax or overlap it, by all means, any 6 intelligence that you gather regarding 7 Narcotics, you have my blessing to go back to 8 Narcotics and forward that information to the 9 officers and supervisors there and I will sign 10 off on any overtime that you work with them on 11 cases that you develop. Because if you can 12 kill basically two birds with one stone -- 13 Q. Sure. 14 A. -- by all means, do it, as long as it 15 does not interfere, compromise the integrity of 16 Operation Brass Tax. 17 Q. Okay. 18 A. You can't cross that line. 19 Q. Do you recall how long you were working 20 out of FBI headquarters before you had that 21 conversation with Chief Rivera? 22 A. I don't. 23 Q. Okay. Any sense of whether it was in 24 2008, 2009, 2010?

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1 A. It might have been about 2010. 2 Q. Okay. And when you were reporting to 3 the FBI to work at that headquarters but were 4 also in the Detached Services unit, did you have 5 an understanding of there was someone in 6 Detached Services that you were supposed to 7 report to also? 8 A. No. 9 Q. During that time when you were in 10 Detached Services and reporting to the FBI 11 headquarters, do you know if your time, the A&A 12 sheets for you were being kept in Detached 13 Services? 14 A. I believe they would be. 15 Q. Okay. 16 A. But I never questioned that. I never 17 asked that question. 18 Q. Okay. And you believe they would be 19 because -- 20 A. Why would the FBI have them. 21 Q. Okay. And you were detailed to 22 Detached Services Unit 543, right? 23 A. Yes. 24 Q. Okay.	1 Q. Was there any time while you were 2 working in Detached Services and working on the 3 Watts investigation that you were told to report 4 to Lieutenant Cervanka? 5 A. No. 6 Q. Do you have any knowledge of whether 7 Lieutenant Cervanka was aware of your work on 8 Operation Brass Tax while you were in Detached 9 Services? 10 A. No. He was not in that list of who 11 would have knowledge of it. 12 Q. Okay. 13 A. So I don't believe he should have had 14 knowledge of it. 15 Q. Okay. You don't recall any 16 circumstances where you were instructed by 17 anyone that on days that you were going to be 18 working at the FBI, that you would let 19 Lieutenant Cervanka know that you'd be over at 20 the FBI and not working at Detached Services? 21 A. At no time did anybody tell myself, 22 tell me that I was ever to report to anybody 23 from Narcotics. 24 Q. Okay. You testified earlier that
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1 A. To the best of my knowledge, we were. 2 That's what we were told. 3 Q. Okay. 4 A. I can't be sure how they recorded it 5 because I'm not privilege to the records. 6 Q. Are you familiar with Lieutenant 7 Cervanka? 8 A. I know who he is, yes. 9 Q. Was he ever a lieutenant in your chain 10 of command at any point? 11 A. He was. 12 Q. At what period of time was -- were you 13 working ultimately under Lieutenant Cervanka? 14 A. When Chief Limon called me after I was 15 the victim of the robbery and battery and asked 16 me if I had been working with my partner Danny 17 Echeverria, set back up with him. And I told 18 him, no. And he said, well, I'll adjust that 19 and take care of it. He then moved me to work 20 on Sergeant Roderick Watson's team with Danny 21 Echeverria, which fell under Cervanka's command. 22 Q. Okay. 23 A. And that was for a brief time prior to 24 going to 543.	1 Chief Rivera told you essentially if you came 2 across credible Narcotics information that might 3 help an investigation, you should report that. 4 Did he tell you who you should take that 5 information to? 6 A. He told me, feel free to pass it on to 7 someone that we may have known or worked with in 8 Narcotics. 9 Q. Okay. 10 A. To pass the intelligence on. 11 Q. Okay. And were there any situations 12 while you were in Detached Services, that you 13 did pass intelligence on to anyone in Narcotics? 14 A. Yes. 15 Q. And whom did you pass that information 16 onto? 17 A. Sergeant Jay Padar and at the time 18 Anthony Hernandez worked on his team. 19 Q. And those would be the only two 20 individuals? 21 A. Other members of the Narcotics team 22 would work on the cases, but those were the 23 individuals we contacted or we discussed with. 24 Q. Okay. How many times do you think you

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<p style="text-align: right;">Page 81</p> <p>1 provided information to Sergeant Padar while you 2 were in Detached Services and working on the 3 Watts investigation about other Narcotics 4 cases?</p> <p>5 A. Multiple times. I can't be sure of the 6 exact amount.</p> <p>7 Q. And would that be the same for Officer 8 Hernandez?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. But other than you communicating 11 information to them, you didn't talk to anybody 12 else in Narcotics about the information or 13 evidence that you'd come up with?</p> <p>14 A. Okay. That's -- we would initially 15 speak to one of those individuals being Padar or 16 Hernandez.</p> <p>17 Q. Sure.</p> <p>18 A. Once the information was provided and 19 the supervising sergeant Jay Padar decided that 20 they were going to work it, we would then talk 21 to other team members if we were going to go do 22 a search warrant or something.</p> <p>23 Q. Sure.</p> <p>24 A. But the initial intelligence was --</p>	<p style="text-align: right;">Page 83</p> <p>1 Watts investigation, you testified that you were 2 also from time to time working on Narcotics 3 cases.</p> <p>4 Did you have an understanding of who 5 your direct report was, if anyone, while you 6 were working on those Narcotics cases?</p> <p>7 A. Yeah. We reported directly to Tom 8 Chester and we would inform Tom Chester and also 9 Juan Rivera directly.</p> <p>10 Q. Okay. During that same period of time, 11 were you ever told that you needed to let 12 someone know on the days that you'd be working 13 on the Watts case, someone within the police 14 department?</p> <p>15 A. No. We would report to work at the FBI 16 building. What do you -- what do you mean 17 someone? Tom Chester was within the police 18 department, but he was at the FBI building.</p> <p>19 Q. Okay. So if there were days where you 20 didn't go to the FBI building because you were 21 working on a Narcotics case, were you supposed 22 to report what you were doing for that day, hey, 23 we're not going to be at FBI, we're going to be 24 in Narcotics? Were you supposed to tell someone</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Right.</p> <p>2 A. -- given to them and then that was how 3 it flowed to the team.</p> <p>4 Q. Right. So you mentioned, for example, 5 if you were going to do a search warrant -- so 6 at times while you were in Detached Services and 7 you were working on the Watts investigation with 8 the FBI, at times you were also working on 9 Narcotics cases; is that your testimony?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. It happened multiple times.</p> <p>13 Q. Okay. And when you were working on 14 Narcotics cases, did you have an understanding 15 of who you reported to in connection with that 16 work of Narcotics cases?</p> <p>17 MR. SMITH: I'm just going to object to 18 the form of the question, vague as to reported 19 to.</p> <p>20 BY MR. KING:</p> <p>21 Q. Did you understand my question?</p> <p>22 A. Could you say it again, please?</p> <p>23 Q. During the period when you were in 24 Detached Services and you were working on the</p>	<p style="text-align: right;">Page 84</p> <p>1 that?</p> <p>2 A. We weren't, per se, in Narcotics.</p> <p>3 Q. Right.</p> <p>4 A. But rather just forwarding the 5 information.</p> <p>6 Q. Sure.</p> <p>7 A. And then the search warrants that 8 Officer Echeverria and I participated on were 9 always overtime and we would report directly to 10 Sergeant Padar, who was conducting the search 11 warrants then.</p> <p>12 Q. Okay.</p> <p>13 A. And that was with Juan Rivera's 14 consent.</p> <p>15 Q. Okay. So is it correct that when you 16 were in Detached Services and you provided 17 information to Sergeant Padar or Officer 18 Hernandez and that led to further work, as you 19 just said, was that work always under Sergeant 20 Padar?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. I assume the decision to move 23 you to Detached Services so that you could work 24 on the Watts case, you're not claiming that that</p>

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1 decision was part of any retaliation against you 2 in this case, are you? 3 A. When Tina Skahill moved us? 4 Q. Yes. 5 A. No. 6 Q. And, in fact, you're not alleging, the 7 Plaintiffs are not alleging that Tina Skahill 8 retaliated against you or harassed you in any 9 manner in this case? 10 A. Not in any manner whatsoever. 11 Q. Okay. If I could direct your attention 12 to Paragraph 31 in the Amended Complaint, which 13 indicates, on an unknown date, information that 14 Plaintiffs had reported criminal misconduct by a 15 sworn officer and were working with an outside 16 investigation was leaked within the department 17 and became known to Defendant Commander O'Grady. 18 What's the basis for your allegation 19 that information was leaked to Commander 20 O'Grady? 21 A. Okay. If I may, I need to back you up 22 just a little bit because that's really a 23 two-part question. How we found out the 24 information and then who we addressed it to.	Page 85 1 or an undercover or assigned to 189, which we 2 were, and it has to come from then Commander 3 James O'Grady, who I never worked under. I was 4 gone before he came, okay. 5 Q. Right. 6 A. It was submitted. Commander -- 7 Q. Let me stop you for a second. You said 8 you were assigned to 189 and, in fact, at the 9 time were detailed to Detached Services, 10 correct? 11 A. Correct. But the way that works, we're 12 assigned and then detailed. 13 Q. I understand. 14 A. So that is correct. 15 Q. Okay. So Padar, Sergeant Padar hands 16 you a form, I think you said? 17 A. No. 18 Q. I'm sorry. 19 A. Okay. He hands me back -- 20 Q. Right. 21 A. I completed a file, submitted it, gave 22 it to Padar, who submitted it to Commander 23 O'Grady. Commander O'Grady then signed off on 24 it.
1 Q. My question for now is what's the basis 2 for the allegation that information was leaked 3 to Commander O'Grady? 4 A. Okay. 5 Q. How do you know that? 6 A. Because on one of the search warrants 7 that we were conducting with Sergeant Jay Padar 8 and his team, we were in the 7th District 9 parking lot after the search warrant. And 10 Sergeant Jay Padar handed me back a file that I 11 had submitted, along with Officer Echeverria, to 12 register our -- register our informants who were 13 already registered as FBI informants with the 14 Chicago Police Department so they could be 15 compensated -- 16 Q. Okay. 17 A. -- for the work that they were now 18 doing on these other Narcotic cases that 19 were -- 20 Q. You were trying to get approval for a 21 confidential informant to get paid? 22 A. Correct, under these. 23 Q. Okay. 24 A. The approval you have to be assigned --	Page 86 1 Q. Okay. Just to stop you. The 2 information you're testifying to is based on 3 what Sergeant Padar told you in the parking lot, 4 correct? 5 A. Correct. 6 Q. Okay. So did he tell you that 7 Commander O'Grady had signed off on it? 8 A. He handed me back the file and I looked 9 at it and saw that it was signed off. 10 Q. Okay. 11 A. And then he said that there was a 12 yellow Post-it on it for him to go see Commander 13 O'Grady. 14 Q. Okay. So when you saw the form, it had 15 been signed by Commander O'Grady? 16 A. Yes. 17 Q. And there was a yellow Post-it on it 18 telling Sergeant Padar to see Commander O'Grady 19 about this? 20 A. Yes. 21 Q. Okay. 22 A. It was -- the Post-it was on the 23 outside envelope of the packet. It was multiple 24 forms.

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1     Q. Okay. Did Sergeant Padar say anything 2 else to you in that conversation -- 3     A. Yes. 4     Q. -- in the parking lot? 5     A. Yes. 6     Q. What else did he tell you? 7     A. He said -- when I went in there, 8 Commander O'Grady said to me, he said, I will 9 not approve this with these two IAD rats 10 Spalding and Echeverria on here. If you want to 11 remove their names, I will approve the informant 12 for Hernandez only. Furthermore, you are no 13 longer to ever work with them. I don't want 14 them in this building, you never cross their 15 paths. And if you are out there and they call a 16 10-1, which is a police emergency, you or any 17 member of this division is not to respond. 18       And I looked at him and I said, why in 19 the hell would a commander who never met me say 20 something like that. He said, don't kill the 21 messenger, I have no idea. So do you want to 22 remove your names. And I said, no, and I took 23 the file back, which is now in possession of my 24 attorney.	Page 89 1     won't be anyone from Narcotics. 2       We took our file -- and he said, we 3 have the search warrant for 7:00 tomorrow 4 morning. After that, I have my direct orders, 5 we are to part ways and our paths are never to 6 cross again per Commander O'Grady. 7     Q. Okay. 8     A. With that information -- 9     Q. Let me just stop you. 10       Other than what you've already 11 testified to, was there anything else said in 12 that conversation in the parking lot? 13       A. I remember asking him, you know, why 14 Commander O'Grady would do this and why he 15 thought we were working with IAD. And he said, 16 I'm not sure where his information came from, 17 I'm not privilege to that. I just know that 18 that's what he said. 19       Q. Okay. So you don't know -- if 20 Commander O'Grady had learned that you were 21 working with IAD, you don't know how he learned 22 that or what the source of that information is, 23 correct? 24       A. I do know.
1     Q. Okay. 2     A. Okay. And then I'm -- 3     Q. Are we still talking about with 4 Sergeant Padar, the conversation with you and 5 him in the parking lot? 6     A. Yes. 7     Q. Is your partner, Officer Echeverria, 8 there at this time also? 9     A. Yes. Along with another witness. 10    Q. Okay. Who else was there? 11    A. Anthony Hernandez. 12    Q. Okay. 13    A. Because it was his search warrant. 14    Q. Okay. Was there anything else said in 15 that conversation by either Sergeant Padar or 16 you or Officer Hernandez or Officer Echeverria? 17    A. Yes. 18    Q. What else was said? 19    A. I said, you mean to tell me if Danny 20 and I leave this parking lot and someone has 21 opened fire on us and shooting on us, you will 22 not respond? Sergeant Padar said, I can't and I 23 won't. I have my orders, I can't mess up my 24 job. But someone on the zone will come, it just	Page 90 Page 91 1     Q. You know now? 2     A. I do know now. 3     Q. Okay. What's your understanding of the 4 source of that information to Commander O'Grady? 5     A. Once that incident occurred, my partner 6 Echeverria and I went to Juan Rivera and I was 7 absolutely mortified that my -- that somebody 8 may have knowledge of the investigation. It was 9 clear Commander O'Grady had insider information 10 as to what we were doing, because he knew that 11 there was a confidential investigation into 12 other officers, okay. 13    Q. Okay. 14    A. So with that information, I asked Juan 15 Rivera, how in the hell would Commander O'Grady 16 have known this. And he said, that may be my 17 fault. 18    Q. Okay. 19    A. And I asked Juan Rivera, what do you 20 mean, that may be your fault? He said, I might 21 have fucked up. 22    Q. Okay. 23    A. He said, I went to Ernie Brown, the 24 then chief of Organized Crime, and told him you

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<p style="text-align: right;">Page 93</p> <p>1 two were working on Operation Brass Tax and the 2 nature of the investigation.</p> <p>3 And I asked Juan Rivera, why in the 4 hell would you do something like that when you 5 know there are connected relationships with him 6 and the targets of the investigation that is 7 jeopardizing our safety. He said, I did it with 8 the hopes that Ernie Brown would then put you in 9 place for the FBI Task Force. But instead, he 10 held a meeting and told everybody with his 11 commanding officers over there when he wasn't 12 supposed to do that.</p> <p>13 Q. Okay. We'll come back to that, that 14 conversation with Rivera. But when you were 15 executing search warrants and doing work for 16 Sergeant Padar --</p> <p>17 A. With Sergeant Padar.</p> <p>18 Q. -- with Sergeant Padar, that was work 19 in the Narcotics unit, correct?</p> <p>20 A. No.</p> <p>21 Q. It was Narcotics work?</p> <p>22 A. It was -- it was us providing, once 23 again, intelligence of narcotics activity --</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 95</p> <p>1 doing that, you are assisting with Narcotics 2 cases other than the Watts case, correct?</p> <p>3 A. On overtime, yes.</p> <p>4 Q. Okay. And at the time, James O'Grady 5 was the commander of the Narcotics Division, 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And at the time, Ernie Brown was the 9 chief over Organized Crime that included the 10 Narcotics Division, correct?</p> <p>11 A. Correct.</p> <p>12 Q. You testified that when Sergeant Padar 13 told you this information that Commander O'Grady 14 had allegedly said, you had never worked for 15 O'Grady previously, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Did you know Commander O'Grady at all?</p> <p>18 A. No.</p> <p>19 Q. Okay. And I apologize for interrupting 20 you. Let's go back to the conversation that you 21 had with Juan Rivera once you learned that 22 Commander O'Grady was aware of your work, as you 23 allege, on Operation Brass Tax.</p> <p>24 Sergeant -- or Chief Rivera indicates</p>
<p style="text-align: right;">Page 94</p> <p>1 A. -- so that the Narcotics officers could 2 then go and --</p> <p>3 Q. Sure.</p> <p>4 A. -- execute the search warrants and 5 build up conspiracies, which we did not work 6 on.</p> <p>7 Q. Okay.</p> <p>8 A. We only worked on the information we 9 provided where our informant would be the 10 witness for the search warrant or something --</p> <p>11 Q. Right.</p> <p>12 A. -- and we were necessary to be involved 13 in.</p> <p>14 Q. My point is you were spending some of 15 your time not on the Watts case but you were 16 spending it on things related to Narcotics 17 investigation, correct?</p> <p>18 MR. SMITH: Objection to the form of 19 the question, vague and Narcotics is the work.</p> <p>20 BY MR. KING:</p> <p>21 Q. You're in the parking lot talking to 22 Padar and you're providing information, you 23 testified, about other Narcotics matters.</p> <p>24 So I'm just asking you when you're</p>	<p style="text-align: right;">Page 96</p> <p>1 that he told Ernie Brown and you testified that 2 he had done it for a certain reason and instead 3 that Ernie Brown held a meeting. What did 4 Rivera tell you about the meeting that Ernie 5 Brown held?</p> <p>6 A. He said that instead of keeping the 7 information confidential, it's apparent that he 8 opened his mouth to everyone of his -- you know, 9 at least the command staff, which then obviously 10 trickles down, because now Sergeant James Padar 11 knows about it, too.</p> <p>12 Q. I just want to know what specifically 13 Rivera told you out of his mouth in this 14 meeting. What -- tell me about that 15 conversation, everything that you can recall.</p> <p>16 A. Everything I just said.</p> <p>17 Q. And was Officer Echeverria part of this 18 meeting, as well?</p> <p>19 A. Yes. And it was in the -- it was not a 20 meeting in a room where we were sitting down.</p> <p>21 Q. Sure.</p> <p>22 A. It was a conversation in the hallway 23 outside of his office.</p> <p>24 Q. Okay.</p>

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<p style="text-align: right;">Page 97</p> <p>1 A. And yes, Officer Echeverria was there.    2 I was very upset. I even -- I said, I wanted to    3 be removed from the investigation, that I didn't    4 feel safe, my identity had been compromised.    5 And these people all have access to where I    6 live, my daughter. And the crimes alleged    7 against these members that we're investigating,    8 are very serious allegations. And I did not    9 feel safe at all. And he -- he violated    10 every -- everything that I was told would never    11 happen.</p> <p>12 Q. All right. I'm going to move to strike    13 the answer. My question -- and I do apologize    14 for interrupting you when you started talking    15 about the conversation.</p> <p>16 But I'm going to ask you to start from    17 the beginning. You and Officer Echeverria are    18 in the hallway and you have a conversation with    19 Juan Rivera where he tells you about the fact    20 that he had disclosed it to Ernie Brown.</p> <p>21 A. Correct.</p> <p>22 Q. Tell me everything you recall you    23 saying --</p> <p>24 A. Okay.</p>	<p style="text-align: right;">Page 99</p> <p>1 Brass Tax and the nature of the investigation,    2 but I did it in hopes that he would then put you    3 on an FBI Task Force. And I told Juan Rivera,    4 why would you tell someone that has    5 relationships with the targets of the    6 investigation? It could compromise the    7 investigation. It definitely compromised our    8 safety. It's supposed to be a confidential    9 investigation. It doesn't make any sense is    10 what I'm telling him.</p> <p>11 Q. Okay.</p> <p>12 A. That you're the chief and you would    13 tell this person. I don't feel safe anymore. I    14 want to be removed from the investigation. He    15 said, you can't. This is an important    16 investigation. You have to stay on it. Hang in    17 there. Hang in there. Hang in there when I    18 have people telling me that I could be shot and    19 they're not going to help me in the street.</p> <p>20 And he said that Ernie Brown was    21 supposed to keep that information confidential,    22 but instead he had a meeting with then Deputy    23 Chief Nick Roti and Commander O'Grady and    24 obviously his command staff. I don't know</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. -- Officer Echeverria saying --</p> <p>2 A. Okay.</p> <p>3 Q. -- or Juan Rivera saying in that    4 hallway conversation.</p> <p>5 A. I said -- I informed Chief Juan    6 Rivera -- I wanted to know --</p> <p>7 Q. Take your time.</p> <p>8 A. -- how the hell Commander O'Grady knew    9 to the point that a sergeant would tell me that    10 he would go the other way if I was being shot at    11 and that they would not respond.</p> <p>12 And this is a man I have never met.    13 How the hell did O'Grady find out to the point    14 that you put my life and my partner's life in    15 jeopardy. And Chief Rivera said -- and Chief    16 Rivera said --</p> <p>17 Q. Take your time.</p> <p>18 A. -- that may be my fault, I might have    19 fucked up.</p> <p>20 Q. Okay.</p> <p>21 A. And I'm quoting, so I apologize.</p> <p>22 Q. Sure.</p> <p>23 A. I went to Ernie Brown and I told him    24 that the two of you were working on Operation</p>	<p style="text-align: right;">Page 100</p> <p>1 everybody.</p> <p>2 Q. Did he tell -- who did he tell you, who    3 did Rivera tell you that the meeting Brown    4 allegedly had with? Did he --</p> <p>5 A. He only named who was then deputy chief    6 was Nick Roti, Nick Roti. I'm sorry. Nicholas    7 Roti, if I'm saying that name correct, and then    8 Commander O'Grady.</p> <p>9 Q. Okay.</p> <p>10 A. And then he told me that I had to stay    11 on this investigation.</p> <p>12 Q. Other than him telling you that Ernie    13 Brown had had a meeting with Nick Roti and    14 O'Grady, did he tell you anything else about it?</p> <p>15 A. That he was supposed to keep his F-ing    16 mouth shut.</p> <p>17 Q. Okay.</p> <p>18 A. He wasn't supposed to do that.</p> <p>19 Q. And it was your understanding that Juan    20 Rivera was not in this meeting that Ernie Brown    21 allegedly had with Roti and O'Grady, correct?</p> <p>22 A. I didn't perceive it that he was in the    23 meeting.</p> <p>24 Q. Okay.</p>

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1 A. But I was not there and I don't know 2 who was there. 3 Q. Right, right. 4 So other than what you've already 5 testified to, do you recall anything else that 6 you, Officer Echeverria or Juan Rivera said in 7 this hallway conversation? 8 A. That we were just to continue working 9 on Operation Brass Tax, lay low, stay off the 10 radar, do not go around, you know, Narcotics and 11 all that. He said -- we obviously can't work 12 with them anymore. But just don't -- steer 13 clear of Narcotics, stay away from them for your 14 own safety. You know, fly under the radar, lay 15 low. You report directly to me, you tell me, 16 you know, what you guys are doing and fly under 17 the radar, unseen, unheard for your own safety. 18 Q. Okay. Do you recall anything else 19 being said? 20 A. I really -- you know, other than me 21 saying several times that I wanted off of this 22 and being told to hang in there. 23 Q. Do you recall if Officer Echeverria 24 said he wanted off of this?	1 take a break? 2 MR. KING: Absolutely. 3 (Whereupon, a discussion was had 4 off the record.) 5 (Whereupon, Spalding Deposition 6 Exhibit No. 2 was marked for 7 identification.) 8 BY MR. KING: 9 Q. Officer Spalding, I'm showing you 10 another document that's been marked as Spalding 11 Deposition Exhibit No. 2. And I would ask you 12 to take a look at this document and let me know 13 if you've ever seen this before. 14 A. This is part of -- yes. The answer is 15 yes. 16 Q. Okay. 17 A. This is part of the informant packet 18 that I and my partner Officer Echeverria 19 submitted to have our informant approved -- 20 Q. All right. 21 A. -- registered with the Chicago Police 22 Department to Sergeant Jay Padar who in turn 23 turned it into Commander O'Grady. 24 Q. Okay. And you say this is part of the
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1 A. I know he did. 2 Q. Do you recall if he said that in the 3 meeting? 4 A. I don't know. 5 Q. Okay. 6 A. I'm not sure at this point. 7 Q. Okay. And after that conversation with 8 Juan Rivera, did you, in fact, stop working on 9 any Narcotics cases? 10 A. Yes. We had no choice. 11 Q. My question is -- 12 A. We stopped. 13 Q. -- after the conversation, did you stop 14 working on any Narcotics cases? 15 A. With -- 16 Q. Other than the Watts investigation. 17 A. Watts investigation is a Narcotics. 18 Other than the -- other than the Watts 19 investigation. Do you mean FBI-wise or do you 20 mean CPD-wise? 21 Q. I mean CPD-wise. 22 A. Yes, we stopped. 23 Q. Okay. 24 MR. SMITH: Is this an okay time to	1 packet, correct? 2 A. No, I don't know if -- yes, it is part 3 of the packet. 4 Q. Okay. And if you look on Page 1 of 5 this document, does it appear to be signed by 6 Commander O'Grady? 7 A. Yes. 8 Q. Okay. Where do you see Commander 9 O'Grady's signature? 10 A. Isn't that the second one? Am I 11 mistaken? 12 Q. On the right side of the page under 13 Jay Padar, you believe that's Commander 14 O'Grady's signature; is that correct? 15 A. I thought it was. 16 Q. Okay. 17 A. It's not? 18 Q. Other than -- 19 A. I can't read it. 20 Q. Okay. That's fine. 21 A. I thought it was Commander O'Grady's. 22 Q. Other than not having the yellow 23 Post-it note on Exhibit 2 that you testified to 24 before, does this look like -- is this the

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<p style="text-align: right;">Page 105</p> <p>1 document that you were testifying about 2 previously? 3 A. This is part of it, yes. 4 Q. Turning your attention back to 5 Exhibit 1 of the Amendment Complaint. 6 A. I'm sorry, where are we? 7 Q. The Amended Complaint. And we'll look 8 at Paragraphs 34 and 35 deal with -- well, take 9 a look at 34 and 35. And my question is the 10 basis for the information alleged in -- let me 11 strike that. Let's just direct your attention 12 to Paragraph 35. 13 And my question is the basis for what's 14 alleged in Paragraph 35 is what Jay Padar told 15 you in the parking lot what you've already 16 testified to, correct? 17 A. Correct. 18 Q. Okay. 19 MR. SMITH: I object -- 20 BY MR. KING: 21 Q. And directing your attention to 22 Paragraph 36, you allege that by interfering 23 with your ability to develop Narcotics cases in 24 the unit, Defendant O'Grady intentionally</p>	<p style="text-align: right;">Page 107</p> <p>1 A. I have no idea. 2 Q. Okay. As you sit here, you don't have 3 any idea how much you earned in overtime in any 4 of the years between 2006 and 2014; is that fair 5 to say? 6 A. That's fair to say. 7 Q. Okay. Now, directing your attention to 8 Paragraph 38 of the Amended Complaint. What's 9 the basis of your allegation in Paragraph 38 10 that, on one or more dates, multiple Defendants 11 discussed the handling or treatment of 12 Plaintiffs. At one such meeting, Plaintiffs' 13 possible reassignment was discussed. In 14 response, Defendant O'Grady referred to 15 Plaintiffs as rats and stated he did not want 16 Plaintiffs working in his unit. 17 Is that also based on what Jay Padar 18 told you in that conversation in the parking 19 lot? 20 A. No. 21 Q. Okay. What's the basis for that 22 allegation in Paragraph 38? 23 A. The basis is -- you're going to ask me 24 for the date and I can't tell you the date.</p>
<p style="text-align: right;">Page 106</p> <p>1 prohibited Plaintiffs from earning overtime. 2 And that's based on your prior testimony that 3 Jay Padar was allowing you to work overtime on 4 some Narcotics cases, correct? 5 A. Correct. 6 Q. Okay. And do you happen to know how 7 much you made in overtime in 2008? 8 A. Not much. It was stopped. 9 Q. Okay. 10 A. I have no idea the amount to be honest 11 with you. 12 Q. Okay. How about let's say 2007, 2006, 13 any of those years, do you know the amount of 14 overtime you earned? 15 A. I have no idea. 16 Q. Okay. How about 2009 or 2010, do you 17 know the amount of overtime you earned? 18 A. No, I don't even know the amount. But 19 2010 was much more than the rest of them, I 20 believe. 21 Q. You believe? 22 A. Or maybe it was 2011. The VRI program. 23 I don't know. 24 Q. Okay.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. So you're about to tell me about a 2 meeting that you believe occurred? 3 A. That I know occurred. 4 Q. Okay. Were you in the meeting? 5 A. No, I was not. 6 Q. So you're going to tell me about a 7 meeting you believe occurred, correct? 8 A. I'm going to tell you about a meeting 9 Juan Rivera informed me of that occurred. 10 Q. Okay. Do you know what year that 11 meeting was? 12 A. It was right at the time -- the day 13 before we were reassigned from 543 to the 14 academy. Is that Unit 041? The police academy. 15 Q. Okay. 16 A. So the day before that. 17 Q. Okay. Juan Rivera told you about a 18 meeting the day before that or he told you the 19 meeting happened the day before? 20 A. The meeting occurred the day before. 21 Q. Okay. So when did Juan Rivera tell 22 you about the meeting, the same day or was it 23 later? 24 A. It was -- it was the next day, I</p>

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<p style="text-align: right;">Page 109</p> <p>1 believe. It was within a couple of days of the 2 meeting.</p> <p>3 Q. Okay.</p> <p>4 A. The day of, the day after.</p> <p>5 Q. Okay.</p> <p>6 A. Shortly after the meeting occurred.</p> <p>7 Q. Okay. And what did Ron -- Juan Rivera 8 tell you about this meeting?</p> <p>9 A. Juan Rivera stated that in the meeting 10 when we were being reassigned from 543, removed 11 from the Brass Tax investigation, that a meeting 12 was called and present in the meeting was 13 Beatrice Cuello, James Jackson, Nick Roti or 14 Roti. I'm sorry, Nick Roti, James O'Grady, 15 Juan Rivera, and I don't recall if he mentioned 16 anyone else or not.</p> <p>17 Q. I thought you previously testified that 18 Juan Rivera was not in this meeting.</p> <p>19 MR. SMITH: Objection, it assumes it's 20 the same meeting.</p> <p>21 THE WITNESS: That's not the same 22 meeting. This is the meeting on -- are you 23 talk -- this is not the Ernie Brown meeting.</p> <p>24 BY MR. KING:</p>	<p style="text-align: right;">Page 111</p> <p>1 said, what you said, what Officer Echeverria 2 said in that conversation.</p> <p>3 A. I believe that 38 is referring to the 4 meeting that occurred the day before we were 5 removed from Operation Brass Tax. So if, in 6 fact, that is the one that we're referencing, he 7 stated shortly after, within the next day or so, 8 that in that meeting -- the individuals that I 9 named -- do you want me to repeat them? No, 10 you're good? Beatrice Cuello, okay.</p> <p>11 Beatrice Cuello wanted us removed from 12 543. And usually you return to your unit of 13 assignment and she was requesting that we go 14 back to work for O'Grady and Nick Roti. At 15 which point Juan Rivera stated that O'Grady said 16 in the meeting that I'm not taking those F-ing 17 IAD rats back; and furthermore, God help them if 18 they need help on the street, he's not -- it's 19 not going to come. She's going to -- I'll 20 bounce her to the 3rd District on midnights and 21 him, I don't remember if it was the 14th or 13th 22 District on midnights. We're not taking -- 23 under no circumstances are they coming back 24 here. And then --</p>
<p style="text-align: right;">Page 110</p> <p>1 Q. Right. I'm talking about the -- at one 2 such meeting, as you allege in Paragraph 38, 3 that's the meeting we're talking about now, 4 correct?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay.</p> <p>7 A. It's -- I believe -- I believe 38 is 8 referencing a meeting that happened in regards 9 to us being removed from Operation Brass Tax, at 10 which point Beatrice Cuello wanted us returned 11 to Unit 189.</p> <p>12 Q. And you found out about the content of 13 this meeting from Juan Rivera, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Tell me everything you recall -- strike 16 that.</p> <p>17 Did Juan Rivera tell you about this 18 meeting in person or in a telephone call?</p> <p>19 A. In person.</p> <p>20 Q. And was Officer Echeverria also there?</p> <p>21 A. Yes.</p> <p>22 Q. Was anyone else present?</p> <p>23 A. No.</p> <p>24 Q. Okay. And tell me what Juan Rivera</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. You mentioned in your description of 2 the meeting, you made a comment that normally 3 you'd go back to your unit, that -- that's your 4 understanding. You weren't relating what Chief 5 Rivera told you about the meeting, correct?</p> <p>6 A. No, no. He said, normally you would 7 just go back, but they don't want you back.</p> <p>8 Q. Okay.</p> <p>9 A. They're not going to take you back 10 because --</p> <p>11 Q. I understand. Chief Rivera told you 12 that?</p> <p>13 A. Yes.</p> <p>14 Q. So Paragraphs 38 and 39 are both what 15 was -- Paragraph 39 is part of what was said in 16 the meeting, correct?</p> <p>17 A. I didn't even read that far. But yes.</p> <p>18 Q. What else -- other than what you've 19 testified to, what else did Juan Rivera tell you 20 was said in the meeting?</p> <p>21 A. He said that not only did -- not only 22 did they not want to take us back because we 23 assisted on a confidential investigation against 24 other officers, but he'd like to see us fired,</p>

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<p>1 that our careers were over.</p> <p>2 Q. Rivera said -- who said that they'd</p> <p>3 like to see you fired?</p> <p>4 A. O'Grady.</p> <p>5 Q. Okay.</p> <p>6 A. And then --</p> <p>7 Q. Do you recall anything else that Rivera</p> <p>8 said in the meeting?</p> <p>9 A. Yes. At this time, Nick Roti is now</p> <p>10 the chief and Ernie Brown is no longer the</p> <p>11 chief.</p> <p>12 Q. Chief of Organized Crime?</p> <p>13 A. Of Organized Crime, correct. And that</p> <p>14 we would never, ever work in Organized Crime</p> <p>15 again or any task force or anything. It will</p> <p>16 never happen.</p> <p>17 Q. Did Rivera tell you that or did Rivera</p> <p>18 say that someone said that in the meeting?</p> <p>19 A. Rivera said that Nick -- Chief Nick</p> <p>20 Roti said that. And he said, that's a big</p> <p>21 problem because if you are to go to any task</p> <p>22 force after this, Nick Roti is the one who has</p> <p>23 to sign off on it. But because you assisted --</p> <p>24 Q. I understand. I'm just asking you</p>	<p>Page 113</p> <p>1 he could help us and that our careers were over.</p> <p>2 Q. Okay.</p> <p>3 A. That was it, basically.</p> <p>4 Q. Okay. And you don't recall anything</p> <p>5 else being said?</p> <p>6 A. Not.</p> <p>7 Q. You don't have to.</p> <p>8 A. Not at this time.</p> <p>9 Q. Okay.</p> <p>10 A. I don't -- I don't know if I will</p> <p>11 later, but I don't now right at this moment.</p> <p>12 Q. Did Rivera tell you at that point that</p> <p>13 the two of you were going to be sent back to</p> <p>14 patrol, meaning you and Officer Echeverria?</p> <p>15 A. Earlier that day, that same day on</p> <p>16 the -- we heard when we reported to the</p> <p>17 academy -- no. To answer your question, at that</p> <p>18 moment in time in that same conversation, no.</p> <p>19 Q. Okay. Let's -- I think this is going</p> <p>20 to get to what you are going to testify about.</p> <p>21 If you look at Paragraph 45 of the Amended</p> <p>22 Complaint, you allege that Chief Kirby caused</p> <p>23 the two of you to be removed from your detail in</p> <p>24 543 Detached Services.</p>
<p>1 about what Rivera said to you.</p> <p>2 A. Rivera is telling me this. But because</p> <p>3 you guys assisted with this, they don't want you</p> <p>4 in their unit.</p> <p>5 Q. Okay.</p> <p>6 A. Juan Rivera also said that it's</p> <p>7 really -- your careers are over.</p> <p>8 Q. Rivera said that, he didn't -- someone</p> <p>9 said that in the meeting?</p> <p>10 A. No. Rivera was -- it was Rivera's</p> <p>11 opinion that our careers were over.</p> <p>12 Q. Okay. Do you recall anything else that</p> <p>13 was said in the meeting with you, Officer</p> <p>14 Echeverria and Juan Rivera?</p> <p>15 A. Yes. I recall that he said that his</p> <p>16 hands were tied because Nick Roti is in bed with</p> <p>17 the superintendent, that's his drinking buddy.</p> <p>18 And whatever he says, Gary McCarthy -- no, that</p> <p>19 was a different time. I'm sorry. That was a</p> <p>20 later time. Please disregard that, because this</p> <p>21 is later. It wasn't that time. This time was</p> <p>22 just about the meeting from 543.</p> <p>23 Q. Right.</p> <p>24 A. No, he said that he was limited in how</p>	<p>Page 114</p> <p>1 Can you explain the basis of that</p> <p>2 allegation, why you believe Defendant Kirby</p> <p>3 caused you to be removed?</p> <p>4 A. Yes. On that date in question, which</p> <p>5 was late May of 2011, the person that we were to</p> <p>6 report to in 543 was Lieutenant Liz Glatz. She</p> <p>7 went on furlough and was in Ireland. She was</p> <p>8 the only person within the unit that knew what</p> <p>9 our true assignment was.</p> <p>10 Q. Okay.</p> <p>11 A. Okay. I don't know --</p> <p>12 Q. To the best of your knowledge, she was</p> <p>13 the only person in the Detached Services who</p> <p>14 knew what your true assignment was?</p> <p>15 A. To the best of my knowledge.</p> <p>16 Q. Okay.</p> <p>17 A. Okay. So on the date in question, the</p> <p>18 acting commanding officer in her place while she</p> <p>19 is gone is a Sergeant Jill Stevens.</p> <p>20 Q. Okay.</p> <p>21 A. She calls my partner Echeverria and</p> <p>22 states that --</p> <p>23 Q. And just to stop you for a moment.</p> <p>24 This was a conversation between Jill Stevens --</p>

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1 A. And Echeverria. 2 Q. -- and Echeverria? You were not part 3 of the conversation? 4 A. I was not part of it. She called him 5 on the phone. 6 Q. And what's your understanding of what 7 was said in that conversation? 8 A. What my understanding was is that Jill 9 Stevens related to Officer Echeverria that she 10 needed a specific form and she gave the name of 11 the form, I don't recall what the name was, 12 completed -- completed listing what our exact 13 assignment was, the nature of our investigation, 14 who we reported directly to. And Danny related 15 back -- Officer Echeverria related back to 16 Sergeant Jill Stevens that he would call her 17 back. 18 Q. Go ahead. 19 A. Do you know the form I'm talking about? 20 Q. Go ahead. I do. 21 A. That she -- 22 Q. Okay. So is it your testimony that 23 your understanding is that after Jill Stevens 24 requested whatever she requested, did --	Page 117 1 question back? 2 (Whereupon, the record was read 3 as requested.) 4 BY MR. KING: 5 Q. Is that correct? 6 A. He was unable to provide the 7 information she requested. So no, he did not 8 provide it. 9 Q. Okay. Well, he knew information about 10 what he was working on and who he was working 11 with, he certainly knew information about the 12 assignment. Your understanding is that he did 13 not provide that to Sergeant Stevens, correct? 14 A. She did not request that. She 15 requested that form be completed with the 16 information. 17 Q. Okay. And what happened next that 18 leads to your allegation in Paragraph 45 that 19 Debra Kirby caused you to be removed from 20 Detached Services? 21 A. What happens next is Danny immediately 22 calls Chief Juan Rivera and states, Jill Stevens 23 is requesting this information on a form that I 24 am unfamiliar with. How do you want us to
Page 118 1 Echeverria was -- the only thing he said is that 2 he'd called her back or did he say something 3 else? 4 A. He said, can I call you back with that 5 information. I don't know if she was asking if 6 the form had been completed or informing him it 7 needed to be completed or asking him to get the 8 form completed by the supervisor. I do know 9 that she was told that he would call her back 10 and she was okay with that. 11 Q. Okay. 12 A. Is my understanding. 13 Q. It's based on what Officer Echeverria 14 has told you? 15 A. Yes. 16 Q. Okay. Based on that understanding, you 17 would agree that Sergeant Stevens asked for 18 certain information in that phone call and 19 Officer Echeverria did not provide that 20 information in that phone call? 21 A. He told her he did not have that 22 information but he would get that information 23 for her and call her back. 24 MR. KING: Okay. Could you read my	Page 119 1 proceed with this? 2 Q. Yes. 3 A. Chief Juan Rivera instructed, gave 4 Officer Echeverria a direct order and said, 5 under no circumstances are you to tell Jill 6 Stevens that you received this information from 7 me because you will jeopardize, which was 8 ironic, the confidentiality of the 9 investigation, which -- 10 Q. Now, let me just stop you and ask you. 11 You said Officer Echeverria calls Juan Rivera -- 12 A. That is correct. 13 Q. -- and Rivera tells him some things. 14 Are you part of that conversation or no? 15 A. I am relating what Officer Echeverria 16 stated to me. 17 Q. Okay. 18 A. I was not part of the conversation. 19 Q. Okay. So what else did Officer 20 Echeverria tell you about that conversation with 21 Juan Rivera? 22 A. He stated that Juan Rivera said, I want 23 you to tell her the forms are already taken care 24 of on your behalf and that under no

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<p>Page 121</p> <p>1 circumstances are you to tell her that you spoke 2 with me. Because then she will know that you 3 are working with IAD and it will be confirmed. 4 You are to tell her the forms are completed. 5 And should she have any questions, she -- she 6 would need to contact Debra Kirby, who will 7 provide any answers to questions she has.</p> <p>8 Q. Okay.</p> <p>9 A. Officer Echeverria said okay, and 10 followed his instructions.</p> <p>11 Q. Okay. So it's your understanding that 12 Officer Echeverria then calls Jill Stevens back, 13 is that correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And you're also not part of that 16 conversation?</p> <p>17 A. No, sir, I am not.</p> <p>18 Q. And you learned from Officer Echeverria 19 what's said in that conversation between himself 20 and Jill Stevens?</p> <p>21 A. That's correct.</p> <p>22 Q. And what does Officer Echeverria tell 23 you about what was said in that conversation 24 with Jill Stevens?</p>	<p>Page 123</p> <p>1 Q. Did she say her or did she say Beatrice 2 Cuello?</p> <p>3 A. She said, I will let her -- I believe 4 she said, I will let her. Because in the 5 initial conversation, she had stated that per 6 Beatrice Cuello, these forms needed to be 7 completed.</p> <p>8 Q. Okay. So to the best of your 9 knowledge, it was Echeverria's understanding 10 that Beatrice Cuello had asked Jill Stevens to 11 call him and request this information; is that 12 correct?</p> <p>13 A. Yes, yes.</p> <p>14 Q. Okay.</p> <p>15 A. So when --</p> <p>16 Q. And do you know -- do you have any 17 knowledge of the circumstances as to why 18 Beatrice Cuello would have called and asked 19 Jill Stevens to contact Officer Echeverria and 20 get information about his assignment?</p> <p>21 A. We have information -- I have 22 information as to why and then further 23 information later as to why.</p> <p>24 But the information immediately stated</p>
<p>Page 122</p> <p>1 A. He states that when he called Officer 2 Stevens back, he said words to the effect of, 3 please don't take this as any disrespect, but I 4 was told to tell you that -- by my chief that 5 those forms are completed on our behalf and that 6 should you have any further questions, you would 7 need to contact -- or need further information, 8 that your source of information should come 9 directly from Debra Kirby and that you should 10 contact her and she should be able to answer any 11 questions that you have.</p> <p>12 Jill Stevens then said, what chief was 13 that. And Danny again said, I apologize, you 14 know, but I cannot give you that information, I 15 am not at liberty to say. And she said, so 16 you're telling me you are refusing to answer my 17 question. Officer Echeverria said, it's not 18 that I'm refusing, I've been given a direct 19 order not to disclose that information. Words 20 to that effect.</p> <p>21 Q. Okay.</p> <p>22 A. At which time Jill Stevens says, well, 23 then I will let her, referring to Beatrice 24 Cuello, know. She said I will let her --</p>	<p>Page 124</p> <p>1 by Jill Stevens is that the interim 2 superintendent would be leaving and the new 3 superintendent would be coming in and they 4 needed to have these forms completed.</p> <p>5 Q. Okay. And to your understanding, was 6 that said in the first conversation --</p> <p>7 A. Yes.</p> <p>8 Q. -- between Officer Echeverria and Jill 9 Stevens?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So he understood that she was 12 calling at the direction of Beatrice Cuello to 13 get some information that the new superintendent 14 needed, correct?</p> <p>15 A. To the best of my knowledge, that is 16 correct.</p> <p>17 Q. Okay. And now going back to the last 18 conversation you testified about, that Officer 19 Echeverria had with Jill Stevens or the second 20 conversation. Other than what you've already 21 testified to, are you aware of anything else 22 that was said in that conversation?</p> <p>23 A. She said, well, then I will let her 24 know that you are refusing to provide the</p>

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1 information and hung up on him. 2 Q. Okay. And what, if anything, happened 3 next that leads you to allege that Debra Kirby 4 caused you to be removed from Detached 5 Services? 6 A. Multiple things happened that led me to 7 believe that. One, I received a call, I 8 personally received a call from Sergeant Tom 9 Chester shortly after this saying, what the hell 10 is going on, what happened with Jill Stevens. I 11 relayed the same information to him that we just 12 discussed. 13 Q. Yes. 14 A. Do I need to repeat it? 15 Q. No. 16 A. Okay. At which point he said, Juan 17 Rivera had absolutely no right to put Officer 18 Echeverria in that position. He should have 19 made that call to Debra Kirby himself and had 20 Kirby call. He said, they're in an uproar, 21 they're trying to throw you out of 543 over 22 this. He said, and I've got to get ahold of 23 Juan Rivera, Juan to straighten this out. 24 Q. Okay.	1 is unravelling at a fast pace. 2 Q. Right. 3 A. So I -- you know, a lot of calls are 4 going on, so I don't know if it's this one or 5 the next one. 6 Q. Do you believe you had two 7 conversations that -- with Tom Chester about 8 this subject? 9 A. I don't know if they were on the same 10 day or the next day. 11 Q. Okay. 12 A. But I had multiple conversation with 13 him about this. 14 Q. And it's your testimony that in one of 15 those conversations, Tom Chester told you what 16 about Debra Kirby? 17 A. Tom -- in one of the conversations with 18 Tom Chester, he told me that Debra Kirby had 19 called and -- I mean, that Debra Kirby had been 20 contacted and denied having knowledge, I was 21 also informed by Juan Rivera of the same 22 information. 23 Q. Juan Rivera told you that Debbie -- Deb 24 Kirby had been contacted and denied having
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1 A. He said, you should have never been put 2 in that position, never. 3 Q. Okay. 4 A. Okay. 5 Q. Do you recall anything else being said 6 in that conversation with you and Tom Chester? 7 A. I don't know if it was that first 8 conversation, because I talked to him twice that 9 day or the next conversation. 10 Q. Let's stick with the first one. Other 11 than what you just testified to, can you recall 12 anything else said in the first conversation? 13 A. I know that he said he was going to 14 call Chief Rivera to try to straighten this out, 15 that this was a big mess, that Beatrice Cuello 16 was very upset. 17 And, again, I don't -- I don't know if 18 in this first conversation he stated that 19 Beatrice Cuello did call Debra Kirby and she 20 denied having any knowledge of this 21 investigation or that was a conversation -- 22 because I was just hit with a ton of bricks. 23 Q. I understand. 24 A. And so I'm not -- you know, everything	1 knowledge of your involvement in Operation Brass 2 Tax, is that your testimony? 3 A. That's a polite way to put what he 4 said. 5 Q. Tell me what he said. 6 A. Are you sure you want me to quote him? 7 Q. Yeah. Well, before you do that. In 8 the multiple conversations you had with 9 Tom Chester on this subject, other than what 10 you've already testified to, can you recall 11 anything else that was said between you and Tom 12 Chester? 13 A. In the immediately -- following the 14 events of Jill Stevens, not immediately 15 afterward, no. 16 Q. Okay. Did you, around the same time 17 you were having these conversations with 18 Tom Chester, have a conversation with Juan 19 Rivera about this subject? 20 A. We had -- at the same time I had 21 immediately tried to call Juan Rivera, and he 22 was not picking the phone up. 23 Q. Okay. Did you eventually speak with 24 him?

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1     A. Yes. The next -- early the next 2 morning. 3     Q. Okay. And was that a telephone 4conversation? 5     A. The first time, yes; the next time in 6 person. 7     Q. Was the telephone conversation just 8 between you and Juan Rivera? 9     A. It was between -- one conversation was 10 between Danny, but we passed the phone back and 11 forth. 12    Q. Okay. 13    A. So it was the same conversation -- 14    Q. Okay. 15    A. -- with me and I don't know if it was 16 from -- Danny called him or I called him, but we 17 both spoke on the phone. 18    Q. Sure. There was one telephone 19 conversation, you both spoke at times on the 20 phone and then you had a meeting with Rivera 21 about it; is that correct? 22    A. The same day. We were at the academy 23 that day in the morning and we -- yes. 24    Q. Tell me about the telephone	Page 131 1 title, Jimmy Jackson. He said, Officer 2 Spalding, this is Deputy Superintendent Jimmy 3 Jackson with the Chicago Police Department, 4 effective immediately today, you are no longer 5 assigned to the FBI and you are being reassigned 6 to Chicago Police Department. You are to report 7 at 0700 to Beatrice Cuello at Unit 543 in 8 uniform effective tomorrow morning. 9     Q. Okay. 10    A. The next morning -- 11    Q. Did the message say you were no longer 12 assigned to the FBI -- 13    A. Correct. 14    Q. -- or no longer assigned to Detached 15 Services? 16    A. You are no longer assigned to the FBI. 17    Q. Do you still have that voicemail 18 message? 19    A. I may. 20    Q. Okay. 21    A. I may. 22    Q. I ask you and your counsel not to 23 delete it to the extent it can be transcribed, I 24 think that's called for in the request for
Page 130 1 conversation that day you had with Juan Rivera. 2 What do you recall you saying to him or him 3 saying to you in the phone conversation. 4     A. Well, when I -- are you talking about 5 the day I tried to call him -- okay. 6     Q. You told me that the day you were 7 talking to Tom Chester -- 8     A. Yeah, he didn't pick up. So then -- 9     Q. -- he didn't pick up, you spoke to him 10 on the phone the following morning. 11    A. Okay, the next morning. 12    Q. I'm asking you about that telephone 13 conversation that morning. 14    A. That morning -- okay. So I informed 15 him that we were at the academy, the night 16 before we had received a call, I received a 17 message that's from James Jackson that said, 18 this is Deputy Superintendent Jimmy Jackson. 19    Q. You received a voicemail message? 20    A. A voicemail message. 21    Q. Okay. Tell me about what was left on 22 the voicemail. 23    A. Okay. I received a voicemail message 24 from Deputy Superintendent, I believe was his	Page 132 1 produce in the case. But you can go back and 2 check if you have any. 3     A. I certainly will. 4     Q. Okay. So then the following morning, 5 do you have the phone conversation with Rivera 6 before you report to the police academy? 7     A. While I guess upon arrival of the 8 police academy. Because on the way there, we 9 then received a call from the secretary of 10 Beatrice Cuello that said, do not report here at 11 0700, you and your partner are going to go to a 12 one-day retraining to transition back in or 13 whatever she said. A one-day training at the 14 academy, so report to the academy at 0800 and 15 then -- for a one-day training. 16    Q. Do you know that secretary's name? 17    A. I can't think of it right now, but I do 18 know her name. 19    Q. Did you speak with her or did she also 20 leave you a voicemail message? 21    A. I spoke with her. 22    Q. And to the best of your recollection, 23 she said a one-day training? 24    A. She said, per Deputy Chief Cuello --

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<p>1     Q. Okay.</p> <p>2     A. -- you are not to report here today at</p> <p>3 0700, but rather you will be going to a one-day</p> <p>4 training session at the academy starting 0800,</p> <p>5 so just go straight there.</p> <p>6     Q. Okay. And at that point, you had not</p> <p>7 yet talked to Juan Rivera?</p> <p>8     A. No.</p> <p>9     Q. Okay. And do you talk to Juan Rivera</p> <p>10 before you get to the academy?</p> <p>11    A. I talked to him -- I briefly walked</p> <p>12 into the academy and there was no training</p> <p>13 schedule for the day, at which point we walked</p> <p>14 outside and called Juan Rivera.</p> <p>15    Q. Okay.</p> <p>16    A. I was talking to him and --</p> <p>17    Q. Okay. Tell me your best recollection</p> <p>18 of everything that was said in that conversation</p> <p>19 with Juan Rivera.</p> <p>20    A. I know I said that -- or we were down</p> <p>21 at the academy, that we had received a message</p> <p>22 from Jimmy Jackson to report down there and that</p> <p>23 we were no longer assigned to 543. And he</p> <p>24 didn't seem to know what I was speaking about.</p>	Page 133	<p>1 you're not fucking here for a one-day training.</p> <p>2 You know what the fuck you did, you fucked up.</p> <p>3 And that's when I'm no longer on the phone.</p> <p>4 He's screaming at us. And Danny is still</p> <p>5 continuing on the phone.</p> <p>6     Q. And what's this individual's name,</p> <p>7 Tom --</p> <p>8     A. Lieutenant Pigott, Pigott or something</p> <p>9 like --</p> <p>10    Q. Okay.</p> <p>11    A. I don't -- my interaction with him was</p> <p>12 very brief.</p> <p>13    Q. Okay. Before we get to Lieutenant</p> <p>14 Pigott, while you have the receiver and you're</p> <p>15 on the phone with Juan Rivera, do you recall</p> <p>16 anything else discussed?</p> <p>17    A. No.</p> <p>18    Q. Okay.</p> <p>19    A. I was briefed and then the lieutenant</p> <p>20 came out and Danny was --</p> <p>21    Q. And what are you alleging that</p> <p>22 Lieutenant Pigott said to you?</p> <p>23    A. He stated, are you Spalding and</p> <p>24 Echeverria, and I said, yes. And he said, you</p>	Page 135
<p>1     I know that Danny had a much lengthier</p> <p>2 conversation with him --</p> <p>3     Q. Okay.</p> <p>4     A. -- in my presence. I was there. I was</p> <p>5 not the one on the phone.</p> <p>6     Q. But initially you were the one on the</p> <p>7 phone with him?</p> <p>8     A. Yeah, initially I was. I had talked --</p> <p>9     Q. When you reported those circumstances,</p> <p>10 Juan Rivera did not seem to be aware of them,</p> <p>11 correct?</p> <p>12    A. No, no.</p> <p>13    Q. That's correct?</p> <p>14    A. That's correct.</p> <p>15    Q. Okay.</p> <p>16    A. To the best of my recollection.</p> <p>17    Q. Sure.</p> <p>18    A. But then I believe his name was</p> <p>19 Lieutenant Pigott was coming out of the academy.</p> <p>20 And aggressively like and he was saying -- Danny</p> <p>21 was then on the phone with Juan.</p> <p>22    Q. Right.</p> <p>23    A. And he was saying, are you Spalding and</p> <p>24 Echeverria, and I said, yeah. He said, you know</p>	Page 134	<p>1 know damn -- you know damn well you're not here</p> <p>2 for a one-day training, you know what you did</p> <p>3 and you fucked up. And he said, you're not --</p> <p>4 you, and he points at me, you're going to 3 on</p> <p>5 midnights and Echeverria is going to, I don't</p> <p>6 remember, I think it was 13 on midnights or</p> <p>7 something like that.</p> <p>8     Q. Sure, sure.</p> <p>9     A. And he said and -- he said and you knew</p> <p>10 that, you were informed of this. And I said, we</p> <p>11 did not know that and neither did our chief.</p> <p>12 And he said, I'll take your cell phones, I'll</p> <p>13 write -- and if you think you're going to make a</p> <p>14 fucking phone call to get out of this, I'll get</p> <p>15 a CR number on you. He said, you knew and your</p> <p>16 chief knows.</p> <p>17    I said, no, he doesn't. He said, oh,</p> <p>18 he doesn't or your chief doesn't know? I said,</p> <p>19 no, he's on the phone right now. Do you want to</p> <p>20 talk to him? He's like, sure he's on the phone.</p> <p>21 And Danny goes, here you go, and handed him the</p> <p>22 cell phone. And then all you hear was yes, sir,</p> <p>23 yes, sir. I received an e-mail from Jimmy</p> <p>24 Jackson. I was unaware that you didn't know,</p>	Page 136

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1 sir. That's all we heard on that end of it. 2 Then the phone was hung up and we were ordered 3 to go in. And that was the end of the 4 conversation with Juan. 5 Q. Okay. So the conversation ends and you 6 go back in the police academy. Is it your 7 understanding at that point that you're going 8 back to patrol in these two districts that 9 Lieutenant Pigott mentioned? 10 A. I had no understanding of anything that 11 was happening. 12 Q. Okay. 13 A. So I understood nothing that was 14 happening. We were let into the academy, we 15 were put into an empty room why -- obviously now 16 the lieutenant is now confused as to what is 17 going on, Chief Rivera is confused as to what is 18 going on. 19 Q. Okay. 20 A. It's nothing but mass confusion. I 21 have no understanding of anything at that point. 22 Q. Okay. Did you have another 23 conversation or a meeting with Juan Rivera that 24 day?	1 academy? 2 A. Well, yes. 3 Q. How long was that? 4 A. Several months. 5 Q. Okay. 6 A. To the best of my recollection. 7 Q. Ultimately, do you have any personal 8 knowledge of whose decision it was to have you 9 go report to the police academy? 10 A. Well, the voicemail that was left came 11 from Jimmy Jackson. 12 Q. Okay. 13 A. So that's the person who informed me. 14 Q. Okay. And are you aware that it's 15 police policy when an officer hasn't been in 16 patrol for a certain extended period of time, 17 that they're typically sent back to the police 18 academy for some retraining before they go to 19 patrol? 20 A. It's my understanding in our 21 circumstances that that's not typical. 22 MR. KING: Could you read back my 23 question? 24
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1 A. Yeah. We left as soon as we had a 2 lunch break and we were right over to his 3 office. 4 Q. Okay. 5 A. And that's the conversation I told you 6 about earlier when he told us about the meeting 7 that took place the day before where we couldn't 8 go back to 189 like we normally would. 9 Q. Okay. 10 A. And all of that. And that day the -- 11 Q. That's the meeting you testified to 12 previously? 13 A. Yes. 14 Q. Okay. 15 A. And while that meeting -- 16 Q. You and Officer Echeverria were never, 17 in fact, sent back to patrol, correct? 18 A. No. 19 Q. Is that correct? 20 A. Yes. 21 Q. Thank you. 22 So you spent some time in the -- at the 23 police academy. How long did you -- do you 24 recall how long you reported to the police	1 (Whereupon, the record was read 2 as requested.) 3 BY MR. KING: 4 Q. Are you aware of that? 5 A. No. 6 Q. Okay. Ever heard of that, going back 7 to the academy for some retraining before you go 8 back to patrol, you never heard of that? 9 A. I've heard of it if you've been out 10 injured or away out of service for a long period 11 of time and haven't been actively working, like 12 desk duty or on the street, but I have not heard 13 of it where you were actively working on the 14 street, and then sent for retraining. No, I 15 never have heard of that. 16 Q. When you say you've heard of it, have 17 you seen a policy on that or -- 18 A. No. 19 Q. -- just kind of -- 20 A. Just from personal knowledge -- 21 Q. Yeah. 22 A. -- of people. 23 Q. Okay. And you testified that you, in 24 fact, weren't sent back to patrol. In fact,

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1 after the police academy, you were moved to the 2 Inspections Division, correct?	1 Q. Tell me what you recall telling her. 2 A. I told her that -- first, I said, you 3 know, there's a big uproar and there's supposed 4 to be a meeting going on right now. They're 5 trying to kick us off of 543 and off of 6 Operation Brass Tax. And she said, that can't 7 happen, this is a very important investigation. 8 The superintendent is directly involved with 9 this as well as his command staff. This cannot 10 happen. She said, what happened? And Danny 11 explained the conversation with Jill Stevens 12 briefly.
3 A. While we were -- that's not actually -- 4 we were under the Inspection Division A&As but 5 reported to the police academy for part of the 6 time we were at the police academy, to answer 7 that question.	13 Q. Yes.
8 Q. Okay. And the A&As is the attendance 9 and assignments sheet, is that --	14 A. And she said, where is this meeting? I 15 said, down there. Because we had just left 543 16 so we could speak with Beatrice Cuello. She 17 said, wait here, I'm going down there right now. 18 This cannot be allowed. We were about to break 19 the case the next day and sign on a big witness, 20 and she was aware of that.
10 A. I think it's attendance and absence or 11 maybe it's attendance and assignments.	21 Q. Okay.
12 Q. Okay. And do you recall who told you 13 that you were going on the Inspections Division 14 A&As?	22 A. She went down to the meeting, but she 23 shortly returned. And she said, I went down 24 there, I couldn't get into the meeting.
15 A. Chief Skahill.	
16 Q. Chief Skahill?	
17 A. Yes.	
18 Q. Okay. And was that in a meeting or a 19 telephone conversation?	
20 A. I think that it was in person.	
21 Q. Okay.	
22 A. Because we met with Chief Skahill 23 multiple times when all this was going on. In 24 fact, when that meeting was taking place with	
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1 Jimmy Jackson and I couldn't get ahold of Juan 2 Rivera, I went down to Chief Skahill's office 3 with Officer Echeverria to inform her of what 4 was going on immediately.	1 Q. Okay.
5 Q. Okay.	2 A. She said, I am going to talk to Juan 3 Rivera the second that meeting is over, go home. 4 We're going to have to straighten this out.
6 A. And so then the next day when we left 7 Rivera's office, we went back to Chief Skahill's 8 office, because she's the one who initially 9 placed us on the assignment.	5 Q. Okay.
10 Q. Right. At that point, Chief Skahill 11 was no longer in Internal Affairs, correct?	6 A. These guys are going to have to 7 straighten this out. This can't happen.
12 A. No. But Chief --	8 Q. Okay.
13 Q. Is that correct?	9 A. I will call you.
14 A. No. I mean, correct, she was not in 15 Internal Affairs.	10 Q. Okay. Did Tina Skahill ever call you 11 after that about this subject?
16 Q. Okay. So that day you said the two of 17 you went to her office when you couldn't get 18 ahold of Juan Rivera?	12 A. She met with us the next day.
19 A. Correct.	13 Q. Okay. And it was just you and she and 14 Officer Echeverria?
20 Q. What do you recall being said in that 21 meeting by you or by Officer Echeverria or Tina 22 Skahill?	15 A. Yes.
23 A. I walked in and I told her the events 24 that had occurred.	16 Q. And in her office?
	17 A. Correct.
	18 Q. And what was said in that conversation?
	19 A. She said that she had spoke to Juan 20 Rivera and that -- she had mentioned -- she had 21 mentioned Debra Kirby, but I don't remember 22 exactly what it was about. I do remember she 23 said that Juan was pissed off --
	24 Q. Okay.

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<p style="text-align: right;">Page 145</p> <p>1 A. -- about Debra Kirby denying everything 2 and starting this whole issue. 3 Q. You recall Tina Skahill saying that in 4 the meeting? 5 A. Yes. Our meeting. 6 Q. In your meeting? 7 A. Not the -- 8 Q. I understand. In your meeting with 9 Tina Skahill, you remember her saying something 10 to the effect that Juan was pissed off? 11 A. That Juan had related to her that he 12 was pissed. 13 Q. Okay. 14 A. Something to those -- 15 Q. Sure. 16 A. It meant the same. Those are not her 17 exact words, but that is the point she was 18 getting across. 19 Q. Sure. 20 A. And that she was going to -- she said, 21 I don't know why Juan doesn't just assign you to 22 Confidential. That is what he should be doing. 23 He needs to just assign you to Confidential. 24 He doesn't need anyone's permission, he</p>	<p>1 can't tell you. 2 Q. Sure. 3 A. But I do have subsequent conversations 4 with her. 5 Q. Okay. 6 A. She did tell us -- I'm sorry. In that 7 first meeting, she said -- we told her that we 8 were going back to patrol. She said, they can't 9 do that. 10 Q. Right. 11 A. You'll get killed. That's officer 12 safety. We have to address that immediately. 13 You cannot take officers from this, have their 14 identities compromised and then throw them back 15 to the wolves. That was in the very first 16 meeting. 17 Q. Sure. 18 A. She said we need to get this -- 19 Q. Okay. 20 A. You need to go back to the academy. I 21 do recall now that was said in the first 22 meeting. 23 Q. Sure. 24 A. Later on she reiterated that in another</p>
<p style="text-align: right;">Page 146</p> <p>1 doesn't even need the superintendent's. You 2 know, he should assign you to Confidential. If 3 I were in IAD, that's exactly what I would do. 4 None of this -- if I were still there, none of 5 this would have happened. 6 Q. Sure. 7 A. And then she said, I need to have a 8 talk with him and he needs to start doing what 9 he's supposed to be doing. Go back to the 10 academy and we'll see what we can do to -- I'll 11 see what I can do to figure this out for you 12 guys. 13 Q. So at that point, it's your 14 understanding Skahill is directing you to go 15 back to the academy while she tries to figure 16 the situation out; is that fair to say? 17 A. That's fair. 18 Q. Okay. And do you have a subsequent 19 conversation with Tina Skahill where she has 20 figured it out or has any resolution for you? 21 A. There are -- as all of this is going on 22 for the next months, we have conversations with 23 Juan and Tina Skahill. Was it the next day, the 24 same day, two hours later, five hours later, I</p>	<p>1 conversation, we don't do our police officers 2 like that. 3 Q. Sure. 4 A. You know, when you do something like 5 this and you come forward, we want to encourage 6 that, not discourage it. We can't let that 7 happen. What does that say going forward to 8 other officers. We can't compromise that. 9 Q. Okay. Let me try to shortcut this. 10 You testified that at some point you're at the 11 academy and you don't physically move to 12 Inspections Division but you're put on 13 Inspections A&amp;A sheets, correct? 14 A. For part of the time. 15 Q. Okay. I'm trying to find out, how did 16 you learn that you were going put -- going to be 17 put on Inspections Division A&amp;A sheets and that 18 you were then going to be reassigned to the 19 Inspections Division? 20 A. From Chief Tina Skahill. 21 Q. Okay. 22 A. We were told at one point when we 23 reported to the academy one morning, we were 24 told by a Sergeant Steve, I don't -- something</p>

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<p>1 with a W, Wosniak (phonetic) or something along 2 those lines.</p> <p>3 Q. Okay.</p> <p>4 A. That we were not going to be reassigned 5 to the patrol for officer safety.</p> <p>6 Q. Okay.</p> <p>7 A. That Tina Skahill had called Howard 8 something Loading (phonetic) maybe --</p> <p>9 Q. Okay.</p> <p>10 A. -- of the academy and said that it was 11 an officer safety concern and that he is not to 12 put us on the street because it would be 13 detrimental to us.</p> <p>14 Q. Okay.</p> <p>15 A. And she then -- the academy then, 16 because she was no longer with IAD, fell under 17 her rank.</p> <p>18 Q. Yes.</p> <p>19 A. So then she said that she would put us 20 in Inspection Division on -- we were being moved 21 to the Inspection Division on A&amp;As, but they 22 needed -- but we would report to the academy 23 until we went on furlough for some -- to sit in 24 on in-car camera training. Not that -- that we</p>	<p>1 A. We were borrowed again.</p> <p>2 Q. And you actually had physically been at 3 126 and then -- for a few days, at least?</p> <p>4 A. I believe so.</p> <p>5 Q. And then Tina Skahill asked you to go 6 back to the academy to do this work?</p> <p>7 A. That is --</p> <p>8 Q. Correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And is it your understanding that Tina 11 Skahill was the one who made the decision to 12 move you to the Inspections Division?</p> <p>13 A. Yes. Because she said we should be put 14 in Confidentials but Juan wasn't doing that, so 15 this is what --</p> <p>16 Q. Okay.</p> <p>17 A. -- she could do.</p> <p>18 Q. Okay. Are you okay for a little while 19 longer?</p> <p>20 A. I'm okay. That's what matters.</p> <p>21 (Whereupon, a discussion was had 22 off the record.)</p> <p>23 BY MR. KING:</p> <p>24 Q. When you were told I guess by Tina</p>
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<p>1 would be doing the training, not that we were 2 receiving the training.</p> <p>3 Q. You were told by Tina Skahill that you 4 were first going to be put on Inspections --</p> <p>5 A. Yeah.</p> <p>6 Q. -- A&amp;A sheets. And then before you 7 actually physically moved to Inspections, you 8 were to stay at the academy for a certain period 9 of time to do some in-car camera training; is 10 that fair?</p> <p>11 A. No. Let me clarify just a little bit.</p> <p>12 Q. Okay.</p> <p>13 A. We were at the academy. At some point 14 while we were there, we went to Inspections for 15 a couple of days.</p> <p>16 Q. Okay.</p> <p>17 A. Okay. Maybe a week, two weeks, days. 18 At which point the academy then needed -- they 19 were short people to teach this class.</p> <p>20 Q. Sure.</p> <p>21 A. So I guess it would be fair to say we 22 were then on the A&amp;As at 126 and borrowed to the 23 academy.</p> <p>24 Q. Okay.</p>	<p>1 Skahill that you were going to be moved over to 2 Inspections, did she tell you what you were 3 going to be doing at Inspections or why you were 4 being moved there?</p> <p>5 A. For officer safety.</p> <p>6 Q. Okay.</p> <p>7 A. As we couldn't be just thrown back out 8 there like that.</p> <p>9 Q. Okay. Did you have an understanding 10 that -- were you still working on the Watts 11 investigation at that point?</p> <p>12 A. No.</p> <p>13 Q. It had kind of ended?</p> <p>14 A. It -- yes. But it had ended at the 15 time for reasons unbeknownst to us beyond the 16 misunderstanding, we later found out there was a 17 bigger situation with it.</p> <p>18 Q. We'll probably come back to that.</p> <p>19 A. You ain't going to want to.</p> <p>20 Q. No, I will.</p> <p>21 So you went to Inspections ultimately 22 and you were working for Lieutenant Pascua, 23 correct?</p> <p>24 A. Yes, that's correct.</p>

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<p style="text-align: right;">Page 153</p> <p>1 Q. Okay. When you were there for a few 2 days and then went back to the academy those few 3 days, were you interacting with Lieutenant 4 Pascua?</p> <p>5 A. Minimum.</p> <p>6 Q. Okay. Let's go to Paragraph 56 of the 7 Amended Complaint of Deposition Exhibit No. 1. 8 You indicate that you and your partner 9 were detailed to 126 Inspections until March, 10 2012. Do you know when you were first referred 11 to or detailed to Inspections?</p> <p>12 I'll tell you, our records indicate it 13 was in May of 2011. So you would have been in 14 Inspections from some point in May, 2011 until 15 March, 2012. Does that sound correct?</p> <p>16 A. I was going to guess the end of May or 17 beginning of June. I thought it was right 18 around Memorial Day.</p> <p>19 Q. Okay.</p> <p>20 A. Was that about right when you guys have 21 it?</p> <p>22 Q. I think that's right.</p> <p>23 A. That was going to be my guess.</p> <p>24 Q. Okay. So you allege -- well, strike</p>	<p style="text-align: right;">Page 155</p> <p>1 Inspections Division, correct?</p> <p>2 A. That's a guestimation.</p> <p>3 Q. Okay. Obviously you allege that in 4 Paragraph 56 that you were subjected to 5 harassment and hostility from Lieutenant Pascua. 6 In Paragraph 37 you alleged that she called you, 7 rat, I guess, motherfuckers, didn't want you in 8 the unit.</p> <p>9 That allegation in Paragraph 57, was 10 that her allegedly referring to you as that, was 11 that the first thing that happened that you 12 consider harassment or retaliation by Lieutenant 13 Pascua?</p> <p>14 A. No.</p> <p>15 Q. Okay. What was the first thing that 16 you consider retaliation by Lieutenant Pascua?</p> <p>17 A. I think -- I think that the first 18 retaliation, I wasn't even there for.</p> <p>19 Q. Okay.</p> <p>20 A. It was witnessed by my partner, which 21 was indirectly Lieutenant -- it was Lieutenant 22 Pascua but -- and a Sergeant Jan Barney.</p> <p>23 Q. What was that incident?</p> <p>24 A. It was where they -- Jan Barney was the</p>
<p style="text-align: right;">Page 154</p> <p>1 that.</p> <p>2 For part of the time you were in 3 Inspections you were, for lack of a better term, 4 reporting to Lieutenant Pascua and then that 5 changed at some point and you were reporting to 6 Lieutenant Sadowski, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall how long you were 9 reporting to Lieutenant Sadowski?</p> <p>10 A. We were there until March. I would say 11 the greater portion of it or at least half of 12 the time.</p> <p>13 Q. At least half of the time you think you 14 were reporting to Lieutenant Sadowski?</p> <p>15 A. I think -- I think.</p> <p>16 Q. Okay.</p> <p>17 A. Reporting is a vague term.</p> <p>18 Q. Sure, okay. But at some point you were 19 told either your reporting or your working 20 relationship was moving from Pascua to Sadowski, 21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And you think that was 24 approximately half way through your time in the</p>	<p style="text-align: right;">Page 156</p> <p>1 one talking but stated that they knew that the 2 only way -- the reason I was in Narcotics is 3 blonde hair blue eyed female, I fucked my way in 4 there.</p> <p>5 Q. And Officer Echeverria told you that he 6 had heard that being said?</p> <p>7 A. Yeah. They said it to him. That Jan 8 Barney was doing the talking.</p> <p>9 Q. Okay.</p> <p>10 A. And he responded.</p> <p>11 Q. And what did he say?</p> <p>12 A. You don't got to be jealous, they sell 13 blond wigs. Because he tried to make light of 14 the subject.</p> <p>15 Q. Okay. Sure. Was there anything more 16 to that incident that you consider either 17 harassment or retaliation by Lieutenant Pascua?</p> <p>18 A. Not to that incident.</p> <p>19 Q. Okay. What was the next incident that 20 you would consider retaliation by Lieutenant 21 Pascua?</p> <p>22 A. We were put in desks and not given any 23 assignments. Just empty cubicles. Just like an 24 empty wall cubical with no computer, no</p>

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<p>Page 157</p> <p>1 anything, to sit there and do nothing. And I 2 mean absolutely just sit there, okay. 3 Q. Okay. 4 A. And I was -- 5 Q. Lieutenant Pascua would tell you to sit 6 there? 7 A. Well, she was our person we reported to 8 so yeah. 9 Q. She wasn't giving you any assignments 10 to do? 11 A. None, nothing, zero. 12 Q. Okay. 13 A. And then -- 14 Q. Let me just stop you now. Did you have 15 an understanding when you started in Inspections 16 of what your job duties or responsibilities 17 would be working in Inspections? 18 A. Well, I figured work. I would do some 19 type of work. 20 Q. My question is did you have an 21 understanding of what kind of work that would be 22 that you'd be doing in Inspections? 23 A. I understood that Inspection did 24 investigations into -- like audits into</p>	<p>Page 159</p> <p>1 of work you would be doing in Inspections? 2 A. No. 3 Q. Okay. Did you or Officer Echeverria at 4 some point when you were detailed to 5 Inspections, do any auditing work, sitting in 6 the office, going through records, that sort of 7 auditing work? Did you do that? 8 A. One time. 9 Q. One time? 10 A. We were given one assignment. 11 Q. Okay. And were you given that 12 assignment by Lieutenant Pascua? 13 A. I remember working with a Sergeant John 14 Stahl on it. And he's the one that gave it to 15 me, so I don't know where ultimately it came 16 from, whether it was Sadowski or Pascua. It was 17 all lieutenants and then Sergeant John Stahl. 18 So I recall working with him, I don't recall who 19 it was for. 20 Q. Okay. And did you do any of the what 21 you believed that Inspections also did field 22 work. Were you asked to do any field work while 23 you were in Inspections? 24 A. One time I went with for -- both Danny</p>
<p>Page 158</p> <p>1 overtime. Not criminal stuff but like 2 infractions or -- 3 Q. Sure. 4 A. You don't have plates or something, 5 officers don't. 6 Q. You do a lot of -- you do auditing, 7 right? 8 A. I do? 9 Q. In Inspections. 10 A. In Inspections, they do, yes. 11 Q. Okay. 12 A. Like into investigations that needed 13 auditing. Like there may be some overtime fraud 14 here, so they have to look for that. 15 Q. Sure. 16 A. But they also do the field work where 17 they go out and look for infractions. And I 18 just understood that that was the work that they 19 did. 20 Q. Okay. 21 A. And, again, no understanding through 22 any of this time what was going on and what I 23 would be doing. 24 Q. Nobody told you at any point what kind</p>	<p>Page 160</p> <p>1 and I went with to a fire drill at one district. 2 I don't recall. 3 Q. Okay. 4 A. That was about an hour in the morning. 5 And another occasion I went to -- they had me go 6 to the Organized Crime building -- 7 Q. Okay. 8 A. -- to -- for some -- for some equipment 9 inventory from a TRU Unit -- the TRU Unit that 10 had disbanded. And there were something -- it 11 was something involved with the TRU Unit. I 12 know that it was another location. It might 13 have been the old 7th District, I don't know. 14 Q. Okay. 15 A. Again, in almost a year, that was it. 16 Q. Okay. 17 A. That I can recall. 18 Q. Okay. And during that time when you 19 were detailed to Inspections, you started 20 working on the Watts investigation again, 21 correct? 22 A. In October. 23 Q. In October of what? 24 A. Of twenty -- we were there until March</p>

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<p>1 of 2012. Is that what we said?  2 Q. Yes.  3 A. Then it was October, 2011.  4 Q. Okay. And once you started working on  5 the Watts investigation again in October, 2011,  6 would you say for the remainder of the time that  7 you were detailed to Inspections, at least on  8 paper, you were spending most of your time  9 working on the Watts investigation?  10 A. No.  11 Q. Okay.  12 A. That's not accurate.  13 Q. Okay. How much of your time was spent  14 on Watts and how much of your time was being  15 over at Inspections?  16 A. From October until maybe the beginning  17 of December, it was divided.  18 Q. Okay.  19 A. Then we were the -- I believe -- or  20 maybe until -- yeah, somewhere around December  21 maybe. And then the Operation Brass Tax  22 concluded I think in the beginning of February  23 and then we were back to sitting at the desk.  24 Q. Okay. During the period when you were</p>	<p>Page 161</p> <p>1 were going to work on the Watts investigation,  2 you just go work on the Watts investigation, you  3 wouldn't tell Lieutenant Pascua, hey, we're not  4 coming in today, we're going to be working on  5 Watts; is that correct?  6 A. That was confusing in the beginning.  7 Because Juan Rivera, on the day that he had  8 contacted -- I'm going to tell you. On the day  9 that the investigation was reinitiated --  10 Q. Yes.  11 A. -- he directly called me and said,  12 effective tomorrow, I want you to report at 0900  13 to the FBI building. You are going to brief the  14 FBI agents about the case for the last several  15 years and bring them up to speed.  16 Q. Okay.  17 A. And then I specifically asked Juan  18 Rivera, will you be notifying the personnel over  19 here? Because by this time --  20 Q. Okay.  21 A. -- they were gone for the day. So who  22 was going to notify them? Do I go directly  23 there? And he said, I am the chief. If I tell  24 you and give you a direct order, that is not for</p>
<p>Page 162</p> <p>1 at -- when you started working on the Watts  2 investigation again when you were in  3 Inspections, do you think you were still under  4 Lieutenant Pascua when that started up again or  5 were you under Lieutenant Sadowski?  6 A. I believe it was Sadowski at that  7 point.  8 Q. Okay.  9 A. Somewhere in that -- during that time  10 it shifted, right around that time maybe.  11 Q. Okay. And on days that you were going  12 to spend not at Inspections but working on the  13 Watts investigation, were you supposed to tell  14 anyone in Inspections where you were going, what  15 you were going to be working on?  16 A. No. We had -- again, we were under  17 Juan Rivera because he is -- they shifted  18 everything and now Inspection fell under Juan  19 Rivera. They shifted it.  20 Q. Okay.  21 A. And he instructed us that we only  22 report directly to him.  23 Q. Okay. So if you were still reporting  24 to Lieutenant Pascua and on a particular day you</p>	<p>Page 164</p> <p>1 you to worry about.  2 Q. Okay. I'm not talking specifically  3 about the first day you go to the FBI and brief  4 them. My question is while you were working in  5 Inspections under Lieutenant Pascua and the  6 Watts investigation had started up again, you  7 testified you spent some of your time on Watts,  8 some of your time in Inspections.  9 My question is on the days that you  10 were going to work on Watts, did you tell  11 Lieutenant Pascua what you were doing or did you  12 just go work on Watts?  13 A. No. I did not just go work on Watts.  14 Whoever I was working under, was notified that  15 we would be working on Watts, whether that was  16 Pascua or Sadowski, and I don't recall which one  17 it was at the time.  18 Q. Okay.  19 A. And the communication was usually done  20 through Officer Echeverria.  21 Q. Okay. Are you aware of either yourself  22 or Officer Echeverria ever telling Lieutenant  23 Pascua personally, we are not coming into  24 Inspections, we're working on Watts? Are you</p>

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<p>1 aware of that ever happening?</p> <p>2 A. No.</p> <p>3 Q. Okay. Similarly, are you aware of</p> <p>4 either yourself or Officer Echeverria ever</p> <p>5 telling Lieutenant Sadowski in those situations</p> <p>6 that you were not coming in to Inspections, you</p> <p>7 were going to be off working on Watts?</p> <p>8 A. I recall that when we were told that we</p> <p>9 would be needed to work on Operation Brass Tax,</p> <p>10 that we would inform them that that was going to</p> <p>11 happen. Like on these days, we are going to be</p> <p>12 working on those -- like this week, we'll be</p> <p>13 working on this day, this day and this day prior</p> <p>14 to it happening.</p> <p>15 MR. KING: Okay. Can you read back my</p> <p>16 question?</p> <p>17 (Whereupon, the record was read</p> <p>18 as requested.)</p> <p>19 THE WITNESS: Yes, they were told when</p> <p>20 we would be working on the Watts case.</p> <p>21 BY MR. KING:</p> <p>22 Q. I'm asking about Lieutenant Sadowski.</p> <p>23 You or Officer Echeverria would tell him?</p> <p>24 A. Yes.</p>	<p>Page 165</p>	<p>1 A. Well, I was escorted to the bathroom</p> <p>2 either by her or Jan Barney every time I would</p> <p>3 get up to use the bathroom. There are cubicles</p> <p>4 in close proximity also and I had to sit right</p> <p>5 there in earshot of her saying comments about me</p> <p>6 as if I'm not there to the other command staff.</p> <p>7 Like I'm an attorney, I know how to put a case</p> <p>8 on a motherfucker and things like that, you</p> <p>9 know. And -- Narcotics officers.</p> <p>10 So we're the only Narcotics officers up</p> <p>11 there, obviously it's referring to myself and my</p> <p>12 partner.</p> <p>13 Q. Let me back up just to maybe move this</p> <p>14 along. Paragraph 57, you allege that Lieutenant</p> <p>15 Pascua called the Plaintiffs rat motherfuckers</p> <p>16 and told them that she did not want them in the</p> <p>17 unit.</p> <p>18 Is that what you just testified to at</p> <p>19 the cubical or when did this occur?</p> <p>20 A. That incident occurred after a meeting,</p> <p>21 a meeting within the unit that was prompted by</p> <p>22 Danny and I going to Commander Adrienne Stanley</p> <p>23 to report the harassment of retaliation of</p> <p>24 Pascua against us.</p>	<p>Page 167</p>
<p>1 Q. Okay. He had started talking about</p> <p>2 some incidents you felt was retaliation from</p> <p>3 Lieutenant Pascua. Other than what you've</p> <p>4 testified to already, what was the next</p> <p>5 incident, if any?</p> <p>6 A. In the empty cubical that I was sitting</p> <p>7 in, she came up to the corner of it. You know</p> <p>8 how the cubical comes to the corner, and she</p> <p>9 stood over it and she told me, if you want to</p> <p>10 work with Juan Rivera and the rest of those</p> <p>11 fucking rats, you should be sitting across the</p> <p>12 hall. I don't want you over here in this</p> <p>13 fucking unit. Words to that effect.</p> <p>14 Q. Was anyone else present?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you recall anything else she</p> <p>17 said or you said in that incident?</p> <p>18 A. Not in that incident I didn't -- no.</p> <p>19 Q. Okay. So she said that and you just</p> <p>20 didn't respond?</p> <p>21 A. No.</p> <p>22 Q. Okay. What was the next incident, if</p> <p>23 any, where you felt that Lieutenant Pascua was</p> <p>24 retaliating or harassing you?</p>	<p>Page 166</p>	<p>1 Q. Okay. So before -- well, let me ask</p> <p>2 you this. Strike that.</p> <p>3 With respect to the allegation in</p> <p>4 Paragraph 57 of her calling you rat</p> <p>5 motherfuckers, did you hear that directly or how</p> <p>6 did you learn about that?</p> <p>7 A. I was sitting in the cubical and she</p> <p>8 said it as she walked by going to her desk.</p> <p>9 Q. Tell me exactly what you recall her</p> <p>10 saying.</p> <p>11 A. Are you talking -- you're talking</p> <p>12 about --</p> <p>13 Q. Paragraph 57.</p> <p>14 A. 57.</p> <p>15 Q. Is it your testimony that you heard her</p> <p>16 saying that as she was walking by?</p> <p>17 A. Yes, she did say that when she was</p> <p>18 walking by.</p> <p>19 Q. Okay. What exactly did you hear her</p> <p>20 say?</p> <p>21 A. That -- just that, that we were rat</p> <p>22 motherfuckers and she didn't want us in the</p> <p>23 unit.</p> <p>24 Q. Okay. Did she say --</p>	<p>Page 168</p>

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1 A. Are you talking --	1 A. No. This one is the -- this one is
2 Q. Did she say Spalding and Echeverria,	2 when we came out of the meeting with the team
3 did she --	3 after we went to the commander.
4 A. Narcotics officers.	4 Q. Okay. Let's talk about when you went
5 Q. -- just say rat motherfuckers? What	5 to the commander. That was you and --
6 did she say?	6 A. Officer Echeverria.
7 A. She said, I don't want those rat	7 Q. -- and Commander Stanley?
8 motherfuckers in the unit. And then she further	8 A. Yes.
9 stated, I'm an attorney, I know how to put a	9 Q. And before we get to that, when you
10 case on those Narcotics officers. I know how to	10 first moved over to Inspections, Commander
11 build a case, not put a case on. I know how to	11 Stanley was out on medical leave, correct?
12 build a case on those Narcotics officers.	12 A. Yes, that's correct. She was gone.
13 Q. Okay.	13 Q. Do you recall approximately how long
14 A. And that comment was made on several	14 you were in Inspections before she returned from
15 occasions.	15 medical leave?
16 Q. Okay. But on the one occasion we're	16 A. No. But I do know that it was -- she
17 talking about, you're saying she made both the	17 was back before October --
18 rat motherfuckers reference and said something	18 Q. Okay.
19 about building a case; is that correct?	19 A. -- of 2011, because she was there for
20 A. Yes. But that building a case was said	20 when we started that FBI case again. And I
21 a couple times.	21 think she had been back for a little while
22 Q. Okay. On this same time when she	22 before that. So maybe a month or so maybe.
23 walked passed -- strike that.	23 Q. Okay. When do you recall going to
24 On this occasion where she walked	24 Commander Stanley to complain about anything?
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1 passed and you heard her make reference to the,	1 A. Well, it would have to be in August or
2 I'm a lawyer, I know how to put on a case, was	2 September of 2011, if she was back at that time.
3 that the first time that she said something	3 And that was prompted by Lieutenant Sadowski
4 along those lines and then there were subsequent	4 stating that we should address the issue of the
5 times where she said something about being a	5 harassment and retaliation from Lieutenant
6 lawyer and knowing how to put on a case?	6 Pascua with Adrienne Stanley. He approached us
7 A. Yes. And the correct word was build a	7 and said, I've witnessed it and it's going to
8 case. She didn't say put on a case.	8 continue. I see what she does. And I said,
9 Q. I'm sorry.	9 well, why don't you talk to Adrienne Stanley?
10 A. I don't want to confuse that, because	10 He said, you need to go and address that issue
11 that's a pretty different meaning.	11 with her.
12 Q. My question is was that the first	12 Q. Okay. Let's talk now about that
13 time --	13 conversation with Lieutenant Sadowski. Is that
14 A. That I --	14 a conversation that you and he had or is it the
15 Q. -- when she walked by your cubical that	15 three of you, you and Echeverria?
16 you ever heard her make reference to building a	16 A. The three of us.
17 case?	17 Q. Okay. And where does this conversation
18 A. Yes.	18 take place?
19 Q. Okay. You indicated that -- well,	19 A. In front of his desk in Unit 126.
20 strike that.	20 Q. And what's your best recollection of
21 Directing your attention to	21 everything Lieutenant Sadowski says and
22 Paragraph 60 of the Amended Complaint. Is that	22 everything that the two of you say in that
23 a reference to that same incident where she	23 conversation?
24 walked by your cubical?	24 A. In that morning, we would come in

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<p style="text-align: right;">Page 173</p> <p>1 earlier than everyone else and of course we 2 would, you know, say good morning to him and he 3 would be at his desk. And he said that he, you 4 know, was aware of, you know, what's going on 5 and that he witnesses it. He knows I was very 6 distraught going there and I was -- it was very 7 difficult and it was very apparent. It was a 8 very hostile work environment and these are open 9 cubicles. So he's aware of it. He told me 10 that.</p> <p>11 Q. Okay.</p> <p>12 A. He said, so the only way it will stop 13 is you need to go report that to the commander.</p> <p>14 Q. Okay.</p> <p>15 A. And he said, I've witnessed it but it 16 won't stop.</p> <p>17 Q. Okay. Do you recall you or Officer 18 Echeverria saying anything else or Lieutenant 19 Sadowski saying anything else?</p> <p>20 A. I recall I asked him since he's a 21 lieutenant, why couldn't he initiate a CR number 22 or talk to the commander about it.</p> <p>23 Q. Okay.</p> <p>24 A. And he said, no, no, it's got to come</p>	<p style="text-align: right;">Page 175</p> <p>1 you know, that we are being harassed by 2 Deborah Pascua and that it's a hostile work 3 environment and this is, you know, negatively 4 affecting us and we want -- and we were 5 requesting her to initiate a CR number. And 6 Adrienne Stanley stated -- you know, and to 7 investigate what we were saying. She said, I'm 8 not trying to hear that, I don't want to hear 9 any of this. I don't want to know.</p> <p>10 And Danny said, whether you want to 11 know or not, you're our commander and we are 12 requesting you to take action on this. And she 13 said, I refuse. You will never get a CR number 14 from me on one of my own. If you want that, and 15 she points over to the IAD side, because it's 16 one side and the other side, you go over there 17 with Juan and those people and maybe they'll 18 give you a fucking CR -- I'm sorry, she didn't 19 swear.</p> <p>20 Q. Okay.</p> <p>21 A. They'll give you a CR number.</p> <p>22 Q. Okay. Do you recall anything else 23 being said in that meeting?</p> <p>24 A. She said, we're done, I don't want to</p>
<p style="text-align: right;">Page 174</p> <p>1 from you guys. Which I don't understand, but we 2 followed his advice.</p> <p>3 Q. Okay. So you then go -- I'm sorry. Is 4 there anything else you recall being discussed 5 in that conversation?</p> <p>6 A. No, just that we would go see the 7 commander then.</p> <p>8 Q. Okay. And the two of you then did go 9 see the commander?</p> <p>10 A. Yes, we did.</p> <p>11 Q. Okay. And was that a meeting in the 12 commander's office?</p> <p>13 A. Yes.</p> <p>14 Q. And the commander and you and Officer 15 Echeverria were present, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And was it that same day as the 18 conversation with Sadowski or shortly after?</p> <p>19 A. Shortly after.</p> <p>20 Q. Okay. What do you recall being said in 21 that meeting?</p> <p>22 A. I know that we walked in and we told 23 her that we wanted to talk to her and address 24 some issues. And Danny had started saying that,</p>	<p style="text-align: right;">Page 176</p> <p>1 hear any more. And we left.</p> <p>2 Q. Okay. And at some point after that 3 meeting, your assignment was essentially changed 4 from Lieutenant Pascua to Lieutenant Sadowski, 5 correct?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. And to the best of your 8 knowledge, a commander would have made that 9 decision, Commander Stanley, correct?</p> <p>10 A. Yeah, I --</p> <p>11 Q. If you know.</p> <p>12 A. I don't know who made it.</p> <p>13 Q. Okay. Other than what you've already 14 testified to, was there anything else that 15 happened that you believe was retaliation or 16 harassment by Lieutenant Pascua?</p> <p>17 A. Yes. Things got so bad in Unit 126. 18 The commander's office is in the middle and 19 there's cubicles here and cubicles on the other 20 side, just a couple. But Deborah Pascua sits 21 here and my cubical is right here.</p> <p>22 Q. Right.</p> <p>23 A. So I'm in earshot of hearing this all 24 the time. So I move to the other side in the</p>

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<p style="text-align: right;">Page 177</p> <p>1 back of a vacant desk. There's two desks here, 2 two desks here, two desks here. 3 Q. Sure. 4 A. These people -- it was a Sandra, I 5 don't remember her last -- Espinoza, Aileen 6 Robinson, they worked for a different 7 department, and then a vacant desk. So I just 8 became -- I was so distraught, I would just come 9 in and sit there. After a few days of that, you 10 know, I began talking to Aileen Robinson and, 11 you know, like good morning, how are you. And, 12 you know, just average small talk that should 13 happen in an office environment. 14 Q. Sure. 15 A. Well, that didn't last too long because 16 a brief time later, a week, two weeks, something 17 like that, when I came in in the morning because 18 we come in before most everyone, Aileen 19 approached me, Robinson, A-I-L-E-E-N, Robinson. 20 And she said, I just want you to know that when 21 you left yesterday, officer George Flores 22 approached me and the women over here are my 23 coworkers and told us that we should not be 24 talking to you, that you are IAD rats, you are</p>	<p style="text-align: right;">Page 179</p> <p>1 don't know her last name. She was Commander 2 Stanley's secretary. She had mentioned in front 3 of Danny and I she had said that she knows that 4 I have a hard time up there and the treatment 5 that I'm getting and how bad it is for me and 6 that she sees it, as well. 7 And it was a conversation that I left 8 crying from because I was hearing all the -- 9 again, you know, I sit at a desk and I don't 10 even talk to anyone and this is just continuing. 11 And you go and you're subjected to that all day 12 long, it's just very difficult. 13 Q. Okay. 14 A. And it doesn't take much. But if you 15 say -- and in Unit 126, there's under 20 people. 16 So if you say a few negative things, we're 17 not -- we're -- 18 Q. Do you recall that secretary Jo saying 19 anything else to you in that incident? 20 A. It wasn't a real short conversation, it 21 just went into how bad things were for me there 22 and that, you know, she felt really bad for me 23 and then she retired. 24 Q. Okay. Other than what you've testified</p>
<p style="text-align: right;">Page 178</p> <p>1 here to fuck us over, you're here to put it -- 2 develop cases against us, don't talk to us, 3 ignore, ignore us, you know. And he said, I 4 know this to be a fact because Lieutenant Pascua 5 told me herself. 6 Q. So Aileen Robinson is telling you about 7 something that George Flores told her and George 8 Flores allegedly told her that Lieutenant 9 Pascua -- 10 A. It's coming from Lieutenant Pascua. 11 Q. Okay. 12 A. And Lieutenant Pascua and George Flores 13 are very close friends. 14 Q. Okay. 15 A. And she just said, I'm just telling you 16 this because I think you should know what's 17 going on behind your back. 18 Q. Okay. Other than that incident, is 19 there anything else that happened that you 20 believe was harassment or retaliation by 21 Lieutenant Pascua, other than what you've 22 already testified to? 23 A. There was one time that a secretary who 24 retired from there, her name was Jo, J-O, I</p>	<p style="text-align: right;">Page 180</p> <p>1 to, was there anything else that -- any other 2 incidents where you believe were evidence of 3 Lieutenant Pascua retaliating against you or 4 harassing you? 5 A. Yes, there is one more incident that is 6 pretty important. 7 Q. Okay. 8 A. The first day that I had to go brief at 9 the FBI under the direct order of Juan Rivera, 10 and he told me it's directly under my command, 11 you are to go there. I was harassed so bad and 12 they would follow me to the bathroom, they were 13 just doing everything. I remember the Jill 14 Stevens incident, and I just didn't trust the 15 communication gap. So even though I didn't have 16 to go into Unit 126, I went in before. 17 There was a sign-in sheet and I signed 18 in. Lieutenant Pascua was there. I walked up 19 to her and said, I don't know if you have been 20 informed by Chief Rivera. I want to make sure 21 everyone here is aware, there's no 22 miscommunication. I've been given a direct 23 order by Chief Rivera to go and report to the 24 FBI building today and that is where I'm going</p>

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<p>1 to be working. Nobody was in yet. She was the 2 only -- she's the lieutenant. 3 Q. Okay. 4 A. Please make sure that if any further 5 notification is -- or the commander has been 6 notified, if she has any questions, to call Juan 7 Rivera. 8 Well, when I'm in that meeting, and I 9 went with Sergeant Tom Chester -- 10 Q. Okay, all right. I'm confused. You 11 signed in at Inspections and saw Lieutenant 12 Pascua before you went -- 13 A. And I didn't have to do that. 14 Q. -- before you went to the meeting at 15 the FBI? 16 A. Yes. 17 Q. And when you told her what you were 18 doing and that this was per Chief Rivera, did 19 Lieutenant Pascua say anything to you at that 20 point in time? 21 A. Fine. 22 Q. Fine, okay. 23 A. And I said, please make sure that the 24 commander is informed when she comes in in case</p>	<p>Page 181 1 report back here to Unit 126. This is not how 2 we do things. It's not the wild west, a rogue 3 police officer, you just do whatever the hell 4 you want. I've already talked to Eddie Walsh 5 about getting you thrown out of here, getting 6 you dumped out of this unit. Who gave you 7 permission to go over there? And I explained to 8 her that it was a direct order from the chief, I 9 even came in. And she said, that's not how we 10 do things here. I don't know what I'm supposed 11 to do. 12 Q. Sure. 13 A. It's before anyone else is in. She's 14 screaming at me so bad that I hand my phone to 15 Tom Chester and I said, you're a white shirt, 16 I'm following your direct orders, I want you to 17 handle this. 18 Q. Okay. 19 A. He walked out of the conference room, 20 had a conversation with her. And then 21 afterwards, I said, you're going to go back up 22 there with me and we're going to straighten this 23 out. And she said that Deborah Pascua while on 24 the phone -- I said, I notified Lieutenant</p>
<p>Page 182 1 Juan Rivera did not -- it was a precaution on my 2 end I did not need to take. I did not have to 3 do that. In case Chief Rivera -- 4 Q. Okay. 5 A. -- did not get ahold of her, I knew 6 that they would be like where the hell is she, 7 who gave you permission or whatever. I came in 8 early -- 9 Q. Sure, I understand. 10 A. -- and went there first and then went 11 to the FBI building. While I was there, I was 12 with -- I was sitting here, Tom Chester was 13 sitting here. We both reported as we were 14 directed to. 15 Q. Yes. 16 A. My phone keeps buzzing, buzzing, 17 buzzing. I finally look at it and it's the 18 commander. And I pick it up and she is 19 absolutely livid and screaming at me. 20 Q. This is Commander Stanley? 21 A. Yes. 22 Q. And what did Commander Stanley say to 23 you on the phone? 24 A. She said, Officer Spalding, you are to</p>	<p>Page 182 1 Pascua. And she said, Lieutenant Pascua said 2 you just came in here for a brief minute and you 3 told her you were just going out. Like she 4 didn't accurately repeat that I had a direct 5 order. She made it -- from that phone call, it 6 was not correctly relayed. It was relayed in a 7 negative manner to the point -- 8 Q. It's your impression from the phone 9 call with Commander Stanley that she did not 10 know that you had received an order from Chief 11 Rivera to report to the FBI, is that fair? 12 A. Well, that -- maybe that she did not 13 receive the order for it or that even if I did, 14 that I was supposed to clear it with someone in 15 126, which I did. I took extra precautions to 16 do that. 17 Q. I understand. 18 A. So I don't know what else I could have 19 done. 20 Q. Okay. 21 A. So whether she was informed or not, I 22 cannot say. 23 Q. Okay. 24 A. But I know that she was angry that I</p>

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<p style="text-align: right;">Page 185</p> <p>1 didn't receive permission. And I did notify --</p> <p>2 Q. Lieutenant Pascua?</p> <p>3 A. -- Lieutenant Pascua.</p> <p>4 Q. Okay. I know you said there was one</p> <p>5 more incident. Was that the only -- other than</p> <p>6 what you've already testified to, was there any</p> <p>7 other incident where you believe Lieutenant</p> <p>8 Pascua retaliated or harassed you?</p> <p>9 A. Not that I can recall at this time.</p> <p>10 Q. Okay. Are you also claiming that</p> <p>11 Commander Stanley engaged in some retaliation</p> <p>12 against you?</p> <p>13 A. Yes.</p> <p>14 Q. What's the basis of that allegation?</p> <p>15 A. Well, the first time would be to fail</p> <p>16 to initiate a CR investigation when I tell you</p> <p>17 that I'm being harassed and retaliated against.</p> <p>18 Q. Okay.</p> <p>19 A. Failing to take action and telling me</p> <p>20 you don't want to hear about that, allowing it</p> <p>21 to continue, basically. To a certain extent,</p> <p>22 I'm entitled to a CR number.</p> <p>23 Q. Okay. Other than Commander Stanley not</p> <p>24 acting on a CR number, is there anything else</p>	<p style="text-align: right;">Page 187</p> <p>1 Juan Rivera said. That is what she said in a</p> <p>2 hostile manner.</p> <p>3 Q. Okay. Commander Stanley said that</p> <p>4 after or before you passed the phone to Tom</p> <p>5 Chester, if you can recall?</p> <p>6 A. See, I don't recall if it was after or</p> <p>7 before.</p> <p>8 Q. Okay.</p> <p>9 A. But I thought it was after.</p> <p>10 Q. All right. You also testified when you</p> <p>11 returned to Inspection, she was hostile. Can</p> <p>12 you explain that?</p> <p>13 A. She was very angry and -- yes. She was</p> <p>14 very angry. The way you talk to someone. I</p> <p>15 mean, Tom Chester said to me, I do not want to</p> <p>16 go up there and deal with this, I don't want to</p> <p>17 get involved. I said, that's too bad. Because</p> <p>18 as, you know -- he did. He said, oh, but I</p> <p>19 don't want to because of how irate she was.</p> <p>20 Q. So Tom Chester went with you back to</p> <p>21 the unit, right?</p> <p>22 A. He said, first we're going to stop --</p> <p>23 first, we're going to go over to Juan Rivera's</p> <p>24 office and let him know about what is going on.</p>
<p style="text-align: right;">Page 186</p> <p>1 that you're alleging was a retaliation by</p> <p>2 Commander Stanley?</p> <p>3 A. Well, hostile I would say is that phone</p> <p>4 call. Even if you thought that I failed to</p> <p>5 report to someone, you don't call screaming and</p> <p>6 swearing at an officer like that that's -- you</p> <p>7 know, like that. Even after the circumstances</p> <p>8 were explained, she was very hostile towards me</p> <p>9 and I'm put in a catch-22.</p> <p>10 Q. You say after the circumstances were</p> <p>11 explained. Are you saying she was hostile to</p> <p>12 you on the telephone after the circumstances</p> <p>13 were explained to her?</p> <p>14 A. Yes. And after I returned to the unit,</p> <p>15 as well.</p> <p>16 Q. Okay. What -- you said you passed the</p> <p>17 phone to Tom Chester, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. After Tom -- it's your testimony</p> <p>20 Tom Chester gives you the phone back and</p> <p>21 Commander Stanley is hostile to you, is that</p> <p>22 your testimony?</p> <p>23 A. She told me I needed to leave the FBI</p> <p>24 building and come in, period, disregarding what</p>	<p style="text-align: right;">Page 188</p> <p>1 And we stopped there first.</p> <p>2 Q. Okay. And what did you tell Juan</p> <p>3 Rivera?</p> <p>4 A. Exactly the events that I just related</p> <p>5 to you about the meeting.</p> <p>6 Q. Okay.</p> <p>7 A. And he said, that's fucking ridiculous.</p> <p>8 He said, Adrienne Stanley doesn't want you in</p> <p>9 the unit, they don't want you there and she's</p> <p>10 looking for any reason to throw you out.</p> <p>11 Q. Okay.</p> <p>12 A. Absolutely any reason. They're not</p> <p>13 comfortable with you being over there because</p> <p>14 you worked with IAD on these confidential cases.</p> <p>15 Q. Juan Rivera said --</p> <p>16 A. Yes.</p> <p>17 Q. -- that because you worked at IAD on</p> <p>18 these confidential cases, is that your</p> <p>19 testimony?</p> <p>20 A. Because you worked with IAD on these</p> <p>21 confidential, with. Because we never worked for</p> <p>22 IAD.</p> <p>23 Q. I understand.</p> <p>24 A. There's a difference. Yes, he did.</p>

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<p style="text-align: right;">Page 189</p> <p>1 Q. Okay.</p> <p>2 A. And he says -- again, dismissed it and</p> <p>3 said, just go back over there it will be fine.</p> <p>4 But I knew from the phone conversation --</p> <p>5 Q. Okay.</p> <p>6 A. -- it's not going to be fine because --</p> <p>7 Q. Did you go back to the commander with</p> <p>8 Tom Chester?</p> <p>9 A. I don't recall if we walked in there</p> <p>10 together. I think he did walk across the hall,</p> <p>11 but when I -- because they're just like right by</p> <p>12 each other, the offices. We went to Rivera's</p> <p>13 and then I do think he walked across the hall.</p> <p>14 And when we approached her office --</p> <p>15 Q. Yes.</p> <p>16 A. -- she didn't want anything to do with</p> <p>17 me. She didn't want to talk to me at all. She</p> <p>18 was so mad, she just walked out of her office</p> <p>19 and said she was going across the hall to deal</p> <p>20 with it, referring to Juan Rivera's office.</p> <p>21 Q. You thought --</p> <p>22 A. And then I think Tom Chester went back</p> <p>23 across the hall, too, I just went back to the</p> <p>24 cubical.</p>	<p style="text-align: right;">Page 191</p> <p>1 ever personally ask Chief Roti if you could come</p> <p>2 back to Narcotics?</p> <p>3 A. I attempted to, yes.</p> <p>4 Q. What do you mean you attempted to?</p> <p>5 A. Officer Echeverria called his office to</p> <p>6 make an appointment with him to talk about it,</p> <p>7 because we are getting all of this information</p> <p>8 from Juan Rivera directly but we're starting to</p> <p>9 question Juan Rivera because he's not doing what</p> <p>10 he's supposed to.</p> <p>11 So we want to hear from our chief</p> <p>12 himself that we can't come back. I want to hear</p> <p>13 him tell me that.</p> <p>14 Q. And did you ever have a meeting with</p> <p>15 Chief Roti?</p> <p>16 A. No.</p> <p>17 Q. Okay. But as you testified, you were</p> <p>18 starting to question whether things that Rivera</p> <p>19 was telling you about not being able to go back</p> <p>20 to Narcotics, were true?</p> <p>21 A. I was questioning everything. Because</p> <p>22 absolutely everybody -- my head was spinning.</p> <p>23 Everybody was all over the map and nobody was</p> <p>24 doing what they were supposed to do.</p>
<p style="text-align: right;">Page 190</p> <p>1 Q. Okay.</p> <p>2 A. It was very stressful.</p> <p>3 Q. Okay. Other than what you've already</p> <p>4 testified to, is there any other incidents of</p> <p>5 alleged retaliation by Commander Stanley against</p> <p>6 you or Officer Echeverria?</p> <p>7 A. No, not at this time.</p> <p>8 Q. When you talked about the meeting with</p> <p>9 Rivera and you and Tom Chester, was Officer</p> <p>10 Echeverria also in that meeting?</p> <p>11 A. He was off that day.</p> <p>12 Q. Okay. So when you were presenting on</p> <p>13 the Operation Brass Tax case that day at the</p> <p>14 FBI, Officer Echeverria was not with you?</p> <p>15 A. No.</p> <p>16 Q. Okay. If I could direct your attention</p> <p>17 to Paragraph 68 of the Complaint. You allege,</p> <p>18 among other things, that Chief Roti had ordered</p> <p>19 that you not be allowed back in the Narcotics</p> <p>20 unit or any other bureau of Organized Crime.</p> <p>21 You've already testified to that conversation,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Did you or Officer Echeverria</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Okay.</p> <p>2 A. So that -- yes. Because Juan Rivera</p> <p>3 was not putting us in confidential, forcing us</p> <p>4 to stay in 126, which was still under his</p> <p>5 command and allowing us -- refusing to get a CR</p> <p>6 number.</p> <p>7 Q. Okay.</p> <p>8 A. I don't know what's up and what's down.</p> <p>9 Q. I understand.</p> <p>10 When Officer Echeverria made an attempt</p> <p>11 to meet with Chief Roti, was there just no</p> <p>12 response or --</p> <p>13 A. No, there was a response. Officer</p> <p>14 Echeverria called his office. The phone was</p> <p>15 answered by Sue Blauer (phonetic), his</p> <p>16 secretary. At which point she stated, you need</p> <p>17 to be a member of Organized Crime to get a</p> <p>18 meeting with Chief Nick Roti. And he said, I</p> <p>19 am. She said, no, you need to be assigned to</p> <p>20 the unit. He said, I am. And she said, what's</p> <p>21 your name. And he said, Officer Daniel</p> <p>22 Echeverria, I'd like to schedule a meeting.</p> <p>23 And she said, well, what is it about.</p> <p>24 He said, it's of a confidential matter that I</p>

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<p style="text-align: right;">Page 193</p> <p>1 need to discuss directly with the chief. And 2 she said, you need to tell me what that's about. 3 And then she basically said, you know what, that 4 is never going to happen, and hung up on Danny. 5 Q. Okay. 6 A. Now, we know that Chief Roti got the 7 message. 8 MR. KING: I move to strike. It's not 9 responsive to any question. 10 BY MR. KING: 11 Q. Well, let's go there. You testified 12 that Chief Roti got the message that you and 13 Echeverria were trying to have a meeting with 14 him. Is that your testimony? 15 A. Yes. 16 Q. How do you know he got that message? 17 A. Juan Rivera. 18 Q. Okay. What did Juan tell you about 19 that? 20 A. Juan Rivera saw us in the hallway and 21 he said, what the -- we were both walking 22 together. What -- he starts telling me, what 23 the fuck is wrong with you, why the fuck did you 24 call Nick Roti. I said, I didn't call anyone.</p>	<p style="text-align: right;">Page 195</p> <p>1 BY MR. KING: 2 Q. You're good? 3 A. I'd rather get this over with. It's up 4 to you guys. Let's push through it. 5 MR. KING: How do you feel? 6 MS. COURT REPORTER: I'm fine. 7 Whatever you want to do. 8 MR. KING: We'll push through all the 9 way to the end. Well, let's keep going for a 10 while. 11 MR. SMITH: Well, let's just go for a 12 little while and we can revisit this in a half 13 hour or so? 14 MR. KING: Yeah, that's fine. 15 BY MR. KING: 16 Q. If I can direct your attention to 17 Paragraph 64 of the Amended Complaint. 18 You indicate that Lieutenant 19 Sadowski -- 20 A. 64, 6-4? 21 Q. 64. You indicate that Lieutenant 22 Sadowski joined what you refer to as the 23 campaign by repeatedly attempting to lodge false 24 allegations of wrongdoing against Plaintiffs.</p>
<p style="text-align: right;">Page 194</p> <p>1 Danny said, that was me, boss, I did that. He 2 said, why in the fuck did you call Nick Roti. 3 He said, he called over here and told 4 me, don't you fucking ever have either one of 5 those motherfuckers call my office again. You 6 tell those motherfucking Spalding and Echeverria 7 I've got nothing to say to them, they will never 8 work here, that's it. 9 Now, Juan Rivera knew this shortly 10 after the phone call happened. There is no way 11 possible he could have quoted what happened -- 12 Q. Okay. 13 A. -- if Nick Roti did not relay that 14 information. 15 Q. Okay. Did you or Officer Echeverria 16 ever attempt to speak directly with Commander 17 O'Grady about returning to Narcotics? 18 A. After the higher ranking official told 19 us never to contact that unit and we couldn't 20 come back, we would be going down. Absolutely 21 not. 22 MR. KING: Okay. Do you guys want to 23 take a short lunch or do you want to -- 24 THE WITNESS: I'm good.</p>	<p style="text-align: right;">Page 196</p> <p>1 Do you see that? 2 A. Yes, I do. 3 Q. Okay. So that was after you were 4 reassigned to be under Lieutenant Sadowski, 5 correct? 6 A. Correct. 7 Q. Okay. And what are you referring to 8 when you say, he attempted to lodge false 9 allegations against you? 10 A. Well, there are a couple of incidents. 11 One of the incidents being that when we would be 12 working later than our regular time, we would 13 call him and tell him that we were working 14 overtime with Operation Brass Tax and then we 15 would call him and tell him when we had 16 completed that. 17 So we were about to leave, be done for 18 the day at headquarters with Operation Brass Tax 19 and Officer Echeverria called Lieutenant 20 Sadowski to tell him that we were leaving. When 21 we went to get on the elevators to go, the doors 22 open up and Juan Rivera and Commander Klimess 23 (phonetic) were there. 24 Q. Okay.</p>

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1 A. We were on, you know, the fifth floor 2 where we all, you know, worked out of. And he 3 said, oh, just the two I'm looking for. Come 4 into my -- Chief Rivera said, just the two I'm 5 looking for, come into my office. I need you to 6 bring me up to speed, brief me on where we are 7 with Operation Brass Tax because we, referring 8 to himself and Klimess, Commander Klimess, have 9 to go in to McCarthy's office and brief him. 10 Q. Okay. 11 A. That delayed us an extra hour and a 12 half, approximately. So then we said, okay, 13 boss, well, here's our overtime sheets. Who's 14 going to sign those now? Because we -- 15 Q. Right -- 16 A. -- we signed them out when we were 17 leaving at -- we signed it for like 6:00 and now 18 we're there until 7:30. 19 Q. Sure, sure. 20 A. He said, give them to me, I'll sign 21 them and he signed them. We said, do we need to 22 call Lieutenant Sadowski back. And he said, I'm 23 the fucking chief. 24 Q. Okay.	1 Q. Okay. 2 A. -- at which point it doesn't. 3 Q. Okay. Let me -- 4 (Whereupon, Spalding Deposition 5 Exhibit No. 3 was marked for 6 identification.) 7 BY MR. KING: 8 Q. Ms. Spalding, I'm showing you another 9 document that's marked Deposition Exhibit No. 3, 10 I believe. And it appears to be a counseling 11 session report. The first page is Officer 12 Echeverria's name, the second page is your name 13 and it's a counseling by Lieutenant Sadowski. 14 Have you seen this document before? 15 A. No. I have not seen this at all. 16 Q. Okay. This indicates anyway under the 17 section statement of performance concern and he 18 writes, above is being counseled for two 19 separate incidents. The second incident states, 20 failed to notify a supervisor assigned to 126 21 when above worked overtime on 21, November, 22 2011. Is that the overtime incident that you 23 were just testifying about? 24 MR. SMITH: I object to the
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1 A. I signed it, it's done. 2 Well, fast forward, now Lieutenant 3 Sadowski says he wants to file a complaint 4 against us for falsifying our overtime because 5 Danny had called him and said we were leaving 6 and then we didn't. 7 Q. Okay. 8 A. So we explained the situation to him, 9 Danny explained the situation to him over the 10 phone while I was in the car. I heard Danny 11 explain exactly the incident that I just 12 explained to you. 13 Q. Okay. So Danny has a conversation with 14 him when you all are driving back to 15 Inspections? 16 A. This is on another day. This is fast 17 forward. 18 Q. Okay. 19 A. Because it takes about a few weeks or 20 longer for the slips to go through however long. 21 Q. Okay. 22 A. So this is another day he contacts 23 Danny. So we thought the explanation would 24 satisfy the situation --	1 characterization as second incident. I'm sorry, 2 I see the first sentence above this. I withdraw 3 the objection. 4 THE WITNESS: Yes. 5 BY MR. KING: 6 Q. Yes? 7 A. Yes. 8 Q. Okay. So Lieutenant Sadowski had a 9 meeting with you and Officer Echeverria about 10 this overtime incident, correct? 11 A. No, incorrect. 12 Q. Okay. Never had a meeting? 13 A. No. He told us we were going to have a 14 meeting for this counseling report. And the 15 reason I never saw it is when I -- he told us we 16 needed to come -- 17 Q. Right. 18 A. -- we needed to come and you'll see 19 that this -- there is no signature on here. We 20 would have to sign this. 21 Q. I understand. My only question is -- 22 A. Okay. 23 Q. -- did you have a meeting -- 24 A. No.

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<p style="text-align: right;">Page 201</p> <p>1 Q. -- with Lieutenant Sadowski about this 2 overtime issue? 3 A. No. No, I did not. I was not -- I 4 never met with him. 5 Q. Okay. And -- okay. 6 And do you know what the first incident 7 is referencing, failed to notify a supervisor 8 assigned to Unit 126 about the status of 9 eligibility for OPY, Operation Project Youth? 10 A. I have no idea what that even is. 11 Q. Okay. Do you have any recollection of 12 OPY, Operation Project Youth? 13 A. I don't know what that even is. 14 Q. Okay. Do you have any recollection of 15 being asked to participate in OPY, Operation 16 Project Youth? 17 A. I was never asked to participate in it. 18 I don't even know what it is. 19 Q. Okay. Do you ever recall being asked 20 to participate in a police initiative where you 21 would go to one of the schools? 22 A. No. 23 Q. Okay. And Lieutenant Sadowski, to the 24 best of your recollection, never had a</p>	<p style="text-align: right;">Page 203</p> <p>1 document before? 2 A. No. 3 Q. Okay. 4 A. I'm -- no, I haven't. But -- 5 Q. That's fine. 6 A. But it is signed by Juan Rivera. 7 Q. Correct. 8 A. So it would have to be the incident 9 date. 10 Q. Okay. You don't have any reason to 11 doubt that -- 12 A. No. 13 Q. -- this relates to the incident that 14 you were testifying about where Rivera signed 15 the overtime? 16 A. I have no reason to doubt it. 17 Q. Okay. And Lieutenant Sadowski never 18 sat down and had what you understood to be a 19 counseling with you? 20 A. No. 21 Q. Okay. 22 A. Never. 23 Q. And then I assume you -- 24 MR. SMITH: I'm just going to object to</p>
<p style="text-align: right;">Page 202</p> <p>1 conversation with you about failing to notify a 2 supervisor about the status of your eligibility 3 for OPY? 4 A. With me? 5 Q. Yes. 6 A. Lieutenant Sadowski had this 7 conversation with me? 8 Q. Yes. I'm asking you, yes. 9 A. No, not that I recall at all. No. 10 Q. Okay. And if you look at the third 11 page of this exhibit. Are these the overtime 12 slips that you were testifying about that were 13 signed by Juan Rivera? 14 A. These would not be the ones because -- 15 they can't be because of -- to 1830, yes, they 16 would be the ones because it says Juan Rivera 17 down there, doesn't it, at the bottom? 18 Q. It appears to. 19 A. If that's his signature. I can't see. 20 I can't read it, either, any of this. 21 Q. Okay. 22 A. And it's signed seven days later, isn't 23 it, by Juan -- is that Juan Rivera? 24 Q. Let me just -- have you seen this</p>	<p style="text-align: right;">Page 204</p> <p>1 the vagueness of counseling with you. 2 THE WITNESS: I could tell you why. 3 BY MR. KING: 4 Q. I was asking you if you felt that there 5 was any retaliation by Lieutenant Sadowski, you 6 mentioned this overtime incident. 7 A. Uh-huh. 8 Q. Other than that, are you alleging that 9 there are any other incidents where Lieutenant 10 Sadowski retaliated against you or harassed you? 11 A. The overtime incident where he was 12 calling us in for the meeting, to go into -- for 13 our counseling meeting that never happened 14 between him and I. 15 Q. Okay. 16 A. Okay. And then there was another 17 incident -- 18 Q. Let me just stop you for a second. So 19 you understood you were going to be called in 20 for a counseling meeting with Lieutenant 21 Sadowski but that, in fact, never happened? 22 A. He talked to me on the phone and yes, 23 he said you're going to come in and you're going 24 to come in at this time in the morning. And we,</p>

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1 you know -- but no, the meeting with me and 2 Sadowski never happened.	1 A. I don't recall because I wasn't even 2 there.
3 Q. Okay. Do you know if there was a 4 meeting between Echeverria and Sadowski --	3 Q. Sure. So you were upset that --
5 A. Yes.	4 A. How am I going to --
6 Q. -- about the overtime?	5 Q. -- he was faulting you for some
7 A. Yes.	6 incident on a day when you weren't even at work?
8 Q. Okay. And you weren't present for 9 that?	7 A. Correct.
10 A. I was on my way up when Juan Rivera 11 stopped me and said, what the hell are you doing 12 here.	8 Q. Okay. Other than what you already 9 testified to, is there anything else that
13 Q. I see.	10 happened that you believe is retaliation or 11 harassment by Lieutenant Sadowski?
14 A. You're supposed to be on the street.	12 A. Not that I recall at this time.
15 Q. Okay, that's fine.	13 Q. Okay. And would I be correct that
16 And I'm sorry, you were testifying to 17 any other incidents of alleged retaliation by	14 everything that you're alleging was retaliation
18 Lieutenant Sadowski.	15 by Lieutenant Pascua, Lieutenant Sadowski or 16 Commander Stanley occurred during the time that
19 A. There was another time on a day we were 20 not working Operation Brass Tax, you can ask me 21 when, I don't recall when exactly it was. It 22 was in the middle of sometime when he became our	17 you were assigned to the Inspection Division?
23 lieutenant --	18 A. Correct.
24 Q. Sure.	19 Q. Okay. Did you ever complain to Tina 20 Skahill about anything that you believed was --
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1 A. -- and before we left the unit. That 2 he was talking about an incident that happened 3 and he was going over it with Danny and I. And 4 I said, wait a minute, on what date? And I 5 don't recall the incident. But I said, 6 lieutenant, I don't even know what you're 7 talking about and I wasn't even at work that 8 day. And he said, it doesn't matter, partners 9 go down in pairs. You're getting written up for 10 it, too.	1 Q. Okay. 2 A. -- and, you know, how we were being 3 thrown out and that we were going to go back to 4 the district.
11 Q. Okay. Do you recall what the incident 12 was that you were getting written up for?	5 Q. Other than what you've already 6 testified to, did you ever complain to Tina 7 Skahill about any alleged retaliation or 8 harassment?
13 A. No, because I had no idea. And then I 14 couldn't recall. I'm like, what is he talking 15 about. And so then I asked him the date. And 16 said, I wasn't here that day, that's why I have 17 no knowledge of what you're talking about.	9 A. During the course of Operation Brass 10 Tax, of course with the permission of Juan 11 Rivera, he was well informed of it, we would 12 continue to keep her up on date when we would 13 see her -- up to date on Operation Brass Tax.
18 Q. But did Lieutenant Sadowski tell you 19 what the incident was?	14 Q. Okay. 15 A. And during the course of those
20 A. At the time he did, I don't recall what 21 it is now.	16 conversations, I would say, you know, this --
22 Q. You don't recall what it was?	17 you know, like I would mention things that had 18 happened. And she said she would talk to Juan 19 because Juan needed to just assign us to 20 Confidential and then everybody in IAD
23 A. Yes. He did state it at the time.	21 Confidential does the same work as us and the 22 harassment would stop.
24 Q. Okay.	23 And she said she didn't understand why 24 Juan wasn't doing that, but she would talk to

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1 him. She offered to talk to Juan multiple times 2 on our behalf -- 3 Q. Okay. 4 A. -- about that. 5 Q. Okay. And all of these occasions where 6 you were just testifying about were when Juan 7 Rivera was the chief and Tina Skahill was no 8 longer the chief, correct? 9 A. Correct. 10 Q. Okay. You never specifically asked 11 Tina Skahill to pull a CR number for you, did 12 you? 13 A. No, because she wasn't -- no. We 14 weren't reporting directly to her anymore, so we 15 would ask Juan. 16 Q. Okay. Do you have any recollection of 17 ever discussing with Tina Skahill any alleged 18 retaliation that you believe was happening in 19 Inspections at the hands of Lieutenant Pascua or 20 Sadowski or Commander Stanley? 21 A. You mean while it was under her 22 authority? 23 Q. At any time. 24 A. No.	1 Q. Okay. 2 A. So we did. 3 Q. So let me stop you. 4 So when you testified that you were, at 5 certain points, trying to get out -- or at a 6 certain point trying to get out of Operation 7 Brass Tax and you told that to Juan Rivera, you 8 were trying to move to Fugitive Apprehension; is 9 that correct? 10 A. Well, at -- no, not at all times. At 11 one point, I didn't care where he put me, I just 12 wanted off. And at one point he said, I could 13 put you in Confidentials -- I'll move you, I'll 14 move you to Confidentials or I'll move you back 15 to the academy. And I said, I'll gladly go to 16 Confidentials and it never happened. So we 17 didn't know where it would be. 18 Q. Okay. So prior -- is it your testimony 19 that prior to you and Officer Echeverria putting 20 in applications to go to Fugitive Apprehension, 21 you had a conversation with Chief Tom Byrne 22 about Fugitive Apprehension? 23 A. It was a conversation in passing. 24 Q. Okay.
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1 Q. Okay. And after the Inspections 2 Division, your next detail was Fugitive 3 Apprehension, correct? 4 A. Correct. 5 Q. Okay. And are you alleging that there 6 was anything retaliatory about your move to 7 Fugitive Apprehension? 8 A. No. 9 Q. Okay. In fact, you applied to get into 10 that unit, correct? 11 A. In fact, Danny and I went and had a 12 conversation with Chief Tom Byrne. He was our 13 former boss when we were in the 1st District and 14 he had -- he knew that we were really good 15 officers and he had, in fact, asked us to come 16 to Fugitives while we were in Operation Brass 17 Tax and I had told Juan Rivera I wanted off and 18 I wanted to go, but we were denied. 19 Q. Okay. 20 A. And during the course of the 21 conversations with Juan when all of this was 22 happening, he said, my hands are tied, I can't 23 help you, maybe you can go back and talk to Tom 24 Byrne, maybe he can help you.	1 A. Where he said, you know, you guys being 2 inside is a really big waste of talent and you 3 guys should go work with me. We knew that 4 wasn't going to happen because we weren't -- 5 Q. When he's saying, you guys should come 6 work for me, is he referring to Fugitive 7 Apprehension? 8 A. That's how I took it. 9 Q. Okay. And when did this conversation 10 take place in relation to when you submitted an 11 application to go to Fugitive Apprehension? 12 A. It had to be at least a year or so 13 before. 14 Q. Okay. Thank you. 15 (Whereupon, Spalding Deposition 16 Exhibit No. 4 was marked for 17 identification.) 18 BY MR. KING: 19 Q. Ms. Spalding, I'm showing you another 20 document that's been marked Deposition Exhibit 21 No. 4, which is an e-mail -- or a couple of 22 e-mails. At the top, an e-mail from Officer 23 Echeverria to Juan Rivera. Have you ever seen 24 this e-mail before?

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<p>1 A. No.</p> <p>2 Q. Okay. Were you aware that Juan Rivera 3 was providing you information and suggesting 4 that you apply to the Fugitive Apprehension 5 unit?</p> <p>6 A. What -- again, I will state that what 7 he said was it would be our best bet to go and 8 see if Tom Byrne could help us get into there.</p> <p>9 Because Nick Roti was the one that would have to 10 sign off on any of the other units and it was 11 impossible.</p> <p>12 Q. Okay. There are three different 13 e-mails reprinted on Exhibit 4. Is it your 14 testimony you've never seen any of them?</p> <p>15 A. I did not see the actual e-mail.</p> <p>16 Q. Okay.</p> <p>17 A. But I do know that -- hold on, there's 18 more down here. Hold on a second. This was -- 19 no, I never saw these documents before.</p> <p>20 Q. Okay, that's fine.</p> <p>21 You were aware, obviously, that you and 22 Officer Echeverria decided to submit 23 applications for the Fugitive Apprehension unit, 24 correct?</p>	<p>1 Q. Okay. And you were reassigned to 2 Fugitive Apprehension, by my records, effective 3 on or about March 18, 2012. Does that sound 4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. If I could now direct your 7 attention back to Exhibit 1, the Amended 8 Complaint, Paragraph 73.</p> <p>9 You allege that on March 20th, you are 10 detailed to Fugitive Apprehension Unit 606. And 11 you allege, within that unit, Plaintiffs were 12 assigned to the United States Marshal's Task 13 Force. Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. Is that your understanding that when 16 you first joined Fugitive Apprehension, that you 17 were a part of the United States Marshal's Task 18 Force, yes or no?</p> <p>19 A. United States Marshal's Task Force, 20 no.</p> <p>21 Q. Okay. Is it your understanding at any 22 time since you've been detailed to Fugitive 23 Apprehension, that you've been a member of the 24 United States Marshal's Task Force?</p>
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<p>1 A. Okay. This is referring to a night 2 task force that is going to start that was not 3 up and running at the time. But yes, for 4 Fugitive Apprehension unit, the task force, yes.</p> <p>5 Q. Okay. You're saying what this is 6 referring to but you've never seen the e-mail?</p> <p>7 A. No, I haven't seen the actual e-mails. 8 No, I have not.</p> <p>9 Q. Okay.</p> <p>10 A. I have not seen these e-mails. It's 11 the first time I'm seeing them.</p> <p>12 Q. Okay. At some point, you and Officer 13 Echeverria --</p> <p>14 A. I must be failing to understand.</p> <p>15 Q. -- decided to apply for a reassignment 16 to Unit 606 Fugitive Apprehension, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And in connection with that 19 application, you asked both Chief Rivera and 20 Tina Skahill to provide letters of 21 recommendation for the two of you, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And both of them did, correct?</p> <p>24 A. Correct.</p>	<p>1 A. Since we were in Fugitives?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. And in order to do that, you'd need to 5 be deputized --</p> <p>6 A. Correct.</p> <p>7 Q. -- by the U.S. Marshals, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And when you first went to 10 Fugitive Apprehension, your first immediate 11 supervisor was Sergeant Barnes, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Looking at Paragraph 75 of the Amended 14 Complaint. You allege upon information and 15 belief on or around the day of your initial 16 detail, it says to the U.S. Marshal's Task 17 Force, Defendant O'Grady went out of his way to 18 personally inform Plaintiffs' new supervisors 19 that they were rats and should be treated 20 accordingly.</p> <p>21 Do you have any personal knowledge of 22 Defendant O'Grady telling anyone in Fugitive 23 Apprehension that you were rats and should be 24 treated accordingly?</p>

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1 A. Yes. 2 Q. And what's the basis of that knowledge? 3 A. On the first day that Officer 4 Echeverria and I reported to the unit, we met 5 with Salemme and Cesario, at which point, you 6 know, they asked us if we had come -- you know, 7 where our background, if we worked -- you know, 8 worked with IAD before, things like that. 9 Q. Okay. 10 A. And were we assigned. And I said, at 11 no time were we assigned to IAD. And then when 12 we left the office after the brief meeting, he 13 walked us over to the two secretaries, Jan 14 Hannah and Colleen Dugan, and he said, you'll 15 talk to them about getting, you know, your 16 radios, your equipment, whatever. 17 Q. Sure. 18 A. And they walked away. At which point, 19 they stated, oh -- 20 Q. Who is they? 21 A. Jan Hannah and Colleen Dugan. 22 Q. Are both of them talking or one of 23 them? 24 A. At one point, each one of them talked.	1 notified that we were going to Fugitive 2 Apprehension, we had to contact them to find out 3 when do we start and general information, where 4 do we report. And the secretary Maureen, 5 something with an S, answered the phone. She 6 used to be -- work down in Narcotics at the 7 24-hour desk, so I was familiar with who she 8 was. And she said, okay, Officer Spalding, so 9 you and your partner -- and she said, so you're 10 coming from Unit -- so you're assigned to 126. 11 And I said, no, actually we're assigned 12 to Unit 189 Narcotics. She said, oh, that 13 explains why Commander O'Grady is up here for 14 the last couple of hours so upset. He's 15 probably mad that we're taking two of his 16 officers away. That was my first heads-up that 17 things weren't going to go so well. 18 Q. Okay. 19 A. That's probably why he's upset. 20 Q. Did Maureen S. say anything else in 21 that conversation? 22 A. After that, I can't recall what she 23 said because I was just so shaken to the core. 24 Q. Okay. You don't have any personal
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1 Q. Okay. What did you hear Jan Hannah and 2 Colleen Dugan, the secretaries, say? 3 A. Jan Hannah said, oh, so you guys are 4 the IAD rats that we heard about and Colleen 5 said -- echoed the same thing. 6 Q. Okay. 7 A. Within ten minutes of being in the 8 unit. 9 Q. Okay. And that's the basis for your 10 allegation in Paragraph 75 of the Amended 11 Complaint? 12 A. That was my second heads-up that 13 something was going on. The first time, there 14 was -- 15 Q. Okay. My question is you allege on the 16 information and belief that O'Grady personally 17 informed your new supervisors that you were rats 18 and should be treated accordingly. One basis 19 for that is what you testified to that Jan 20 Hannah and Colleen Dugan said. Is there any 21 other basis for your allegation in Paragraph 75? 22 A. Yes. 23 Q. And what is that? 24 A. Prior to -- on the day that we were	1 knowledge, do you, of Defendant O'Grady saying 2 anything about you to anyone in the Fugitive 3 Apprehension unit, do you? 4 A. Yes. 5 Q. Is that based on what you already 6 testified to? 7 A. No. 8 Q. Okay. What is that based on? 9 A. That's based on July of 2011 when I was 10 called in to Lieutenant Cesario's office in the 11 presence of Sergeant Mills and was told that -- 12 Q. Okay. Before we -- I don't mean to 13 interrupt you. But before we get to the July, 14 2011 meeting. 15 A. Okay. 16 Q. Prior to that, did you have any 17 personal knowledge that Commander O'Grady spoke 18 negatively about you or Officer Echeverria to 19 anyone in the Fugitive Apprehension unit? 20 MR. SMITH: Objection, vague as to 21 meaning of personal knowledge. 22 Go ahead. 23 THE WITNESS: I'm confused now. 24

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1 BY MR. KING:	1 that?
2 Q. Do you have any knowledge based on	2 A. Robert Walker and Loren, L-O-R-E-N,
3 anything other than what you've already	3 Guishnere, G-U-I-S-H-N-E-R-E, I believe.
4 testified to --	4 Q. And was Guishnere and Walker on your
5 A. Prior to.	5 team under Sergeant Barnes?
6 Q. -- that prior to this July, 2011	6 A. Yes.
7 meeting, Commander O'Grady spoke to anyone in	7 Q. Okay. And were both you -- strike
8 the Fugitive Apprehension unit negatively about	8 that.
9 you or Officer Echeverria?	9 Was this in a single conversation with
10 A. Not that I can recall at this time.	10 both Walker and Guishnere or were these separate
11 Q. Okay. And you have no personal	11 conversations?
12 knowledge that -- prior to you starting in	12 A. Separate.
13 Fugitive Apprehension, you have no personal	13 Q. And were you present for both of those
14 knowledge of Commander O'Grady speaking to	14 conversations?
15 Sergeant Barnes about anything, correct?	15 A. Yes.
16 A. Prior to me starting?	16 Q. Was Officer Echeverria present for both
17 Q. Yes.	17 of those conversations?
18 A. No.	18 A. Yes.
19 Q. And likewise, you have no personal	19 Q. Who told you this first?
20 knowledge of Defendant O'Grady speaking to	20 A. Walker.
21 Commander Salemme or Lieutenant Cesario in a	21 Q. In person or on the phone?
22 negative manner about you or Officer Echeverria,	22 A. In person.
23 do you?	23 Q. What did Walker say to you and what did
24 A. Other than the indication from Maureen	24 you or Officer Echeverria say to Walker?
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1 saying that O'Grady was up there very upset with	1 A. He said, after working with you guys
2 the commanders over us coming there, no.	2 for a while, I just think it's fair that you
3 Q. Okay. You were testifying about	3 know what's going on. He said, you know, we
4 Paragraph 75, what you base your belief on that	4 heard about you prior to you getting here. The
5 O'Grady had informed new supervisors that you	5 sergeant told us that, you know, you're coming
6 were rats and should be treated accordingly.	6 from IAD and that we shouldn't be working with
7 Have you testified about everything	7 you or back you up, you know, that I just think
8 that allegation in Paragraph 75 was based on?	8 you should know. I base my judgment on the
9 A. I believe so.	9 individuals and you guys are good cops and maybe
10 Q. Okay. In the next paragraph, you	10 you should address this issue with the sergeant
11 indicate that your first sergeant in Fugitive	11 and see if, you know, you can resolve the
12 Apprehension, Sergeant Barnes thereafter	12 issues.
13 informed your new team that you were rats, that	13 Q. Do you recall Robert Walker saying
14 you were not to be trusted or backed up by the	14 anything else in that conversation?
15 team; is that correct?	15 A. I mean, the conversation wasn't just
16 A. Correct.	16 that simple. I mean, of course we were floored.
17 Q. And what's the basis for that	17 And I think he said that he had mentioned, and I
18 allegation?	18 don't recall his exact wording, that Sergeant
19 A. Team members informing us of that.	19 Barnes was very good friends with Jim O'Grady.
20 Q. Okay. And when did they inform you of	20 I believe he mentioned that he was good friends
21 that?	21 with the boss. I don't know who told us that it
22 A. Shortly after our assignment to work	22 was -- actually, that he was friends with, you
23 with them.	23 know, O'Grady and that it had come from the
24 Q. And what team members informed you of	24 Narcotic Division is what he said.

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<p style="text-align: right;">Page 225</p> <p>1 Q. Okay. Do you recall Walker saying 2 anything else? 3 A. No. 4 Q. Okay. And was the conversation with 5 Loren Guishnere in person? 6 A. Yes. 7 Q. And is that a male or female? 8 A. It's a male. 9 Q. Okay. What do you recall Mr. Guishnere 10 saying to you and you and Officer Echeverria 11 saying in the conversation that you say supports 12 your allegation in Paragraph 76? 13 A. Guishnere stated that they were 14 instructed not to work with us and the same -- 15 basically the same information that Walker -- 16 you know, that we're from IAD, not to work with 17 us and -- or back us up. And Guishnere said, 18 you know, that he personally cannot treat an 19 officer in a negative manner, unless he has his 20 own specific personal reasons to do so. 21 Q. Okay. Other than that, do you remember 22 Officer Guishnere saying anything else? 23 A. Since then, Guishnere has had multiple 24 conversations with my partner directly regarding</p>	<p style="text-align: right;">Page 227</p> <p>1 We -- I got the assignment, we hurried 2 up, we pulled out all the information, made 3 contact with a possible witness and we're en 4 route to handle this when Sergeant Barnes had 5 called and said that he was taking the case away 6 from me. 7 Every one of the cases that I had prior 8 to that had been like turnstile jumpers for CTA 9 or something like that in -- 10 Q. So you were en route to working on the 11 case -- 12 A. Yes. 13 Q. -- and Sergeant Barnes calls you and 14 says he's taking the case away from you? 15 A. Correct. 16 Q. Okay. Did he say anything else other 17 than he's taking the case away from you? 18 A. No. I know I told him that we were 19 already en route and we had already worked it 20 up. And, you know, he said, it's being 21 reassigned to somebody else, and then I received 22 turnstile jumpers and things like that. 23 Q. Do you recall him saying anything else 24 in that conversation?</p>
<p style="text-align: right;">Page 226</p> <p>1 the same situation. 2 Q. Okay. Have you personally had any 3 other conversations with Guishnere about this 4 situation? 5 A. You know, it may have come up in 6 passing, but not a direct, you know, 7 conversation like that. 8 Q. Okay. If I could direct your attention 9 to Paragraph 77 in the Complaint. You allege 10 that at one point Sergeant Barnes removed the 11 Plaintiffs from a high profile case to which 12 they had been assigned because they were rats. 13 Plaintiff would not be allowed to work on the 14 case. Can you explain what that incident was 15 about? 16 A. Yes. I had been given a high profile 17 homicide case that was all over the media. And 18 I was working with my partner Echeverria, Kevin 19 Williams and Larry Odem, O-D-E-M, and we had 20 been working together on cases. And on this 21 particular day, it was Officer Echeverria, 22 myself, and I believe Larry Odem was there. I 23 don't believe Kevin Williams was present for 24 this.</p>	<p style="text-align: right;">Page 228</p> <p>1 A. Not in that conversation. 2 Q. Okay. So you're en route to work on 3 the case that you worked up. Do you continue on 4 to do that? 5 A. No. 6 Q. Do you stop and get out of the car or 7 what happens? 8 A. We pick up the next file and start 9 working on that one. 10 Q. So you stopped working on the case that 11 you -- 12 A. I was ordered to. 13 Q. Okay. And was that just you and 14 Officer Echeverria in the car? I'm sorry. 15 A. It was Larry Odem, as well. 16 Q. Right. Was Kevin Williams also in the 17 car? 18 A. I don't believe Kevin Williams was in 19 the car at the time this happened. 20 Q. Okay. If I can direct your attention 21 to Paragraph 78 of the Complaint. You allege 22 that when you tried to talk to Sergeant Barnes, 23 he repeatedly referenced that you had brought 24 down a sergeant, referring to Watts; is that</p>

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1 correct? 2 A. Correct. 3 Q. How many times did Sergeant Barnes 4 reference to you that you had brought down a 5 sergeant? 6 A. Multiple times. 7 Q. Okay. Any recollection of when the 8 first time was? 9 A. This is during one conversation, I 10 believe. You're saying -- you are referring to 11 the time that I tried to talk to -- 12 Q. I'm referring to whatever you're 13 referring to in Paragraph 78. 14 A. Okay. This was after I was informed, 15 we, my partner and I, were informed by Robert 16 Walker of the situation. He had said, why don't 17 you try to talk to Sergeant Barnes. 18 Q. Okay. 19 A. So I was working with Kevin Williams 20 that day and Sergeant Barnes had come in. And 21 he was being -- he was -- he just -- he was 22 really being -- I don't even know the right 23 word, other than very aggressively hostile 24 towards me.	Page 229 1 he leans all the way over in my ear and puts the 2 radio down and turns it up. He says, you 3 fucking hear that? Do you hear that? That's 4 the 3rd fucking District. Do you now how fast I 5 could fucking have you back there? Do you want 6 to go back to that fucking district? Do you 7 want to go back to the district? He was being 8 so aggressive that a female detective turned 9 around and said, Sergeant Barnes, I don't like 10 the way you're talking to her. This is 11 inappropriate and this is hostile. You need to 12 stop immediately. 13 Q. And who was the female detective? 14 A. I don't know who she was. 15 Q. Okay. 16 A. But I would know her if I saw her 17 again. 18 Q. Okay. 19 A. It was upstairs in Area South on 111th 20 and Ellis. 21 Q. Okay. 22 A. 711 East 111th Street. 23 Q. Other than what you've already 24 testified to, did Sergeant Barnes do or say
Page 230 1 First when he came in, they had just 2 come in from apprehending someone for I believe 3 homicide. And Guishnere had -- it was actually 4 his case and everybody was out on it but not 5 myself, Danny or Kevin. And he told me, well, 6 we just got this guy, you're going to get on the 7 computer and you're going to write up, start the 8 arrest report. I can't start the arrest report, 9 I wasn't even on scene. I'm not the arresting 10 officer. So he said, you're going to start it. 11 So I called Guishnere and I said, 12 Guish, how do you want me to do your report. 13 And he said, absolutely not, you can't. Don't 14 do it, you'll ruin the whole case. I said, 15 yeah, I'm confused. Can I start something else 16 for you. So Barnes became very upset that I 17 wouldn't go ahead and start this arrest report. 18 I'm not even on the scene, I don't even know 19 where you guys were. 20 Q. Sure. 21 A. That's not even -- I can't. It's 22 illegal. 23 Q. Sure. 24 A. So he sits down next to me right here,	Page 232 1 anything else to you in that incident? 2 A. Yes. 3 Q. What did he do or say? 4 A. After that incident, he walked away and 5 he sat down at this desk. And I figured, this 6 is escalating, maybe I should try to talk to him 7 and see if we could quash this. I mean, we're 8 in Fugitives, we're working with really good 9 officers on this team. I'm so tired of this, 10 I'm desperate to make it work. We did what I 11 think is the right thing with Watts. So I 12 approached -- 13 Q. What did Sergeant Barnes say or do? 14 A. I approached Sergeant Watts and 15 asked -- Sergeant Barnes and asked him if I 16 could speak to him and he said, okay. We 17 started talking and I said, you know, it's my 18 understanding that, you know, you have some 19 preconceived ideas about my partner and I and 20 that maybe you're concerned about our reasons 21 for being here. And these are issues that I 22 would -- if you have concerns about, I would 23 like to attempt to address and rectify so that 24 we don't have any future problems.

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<p style="text-align: right;">Page 233</p> <p>1 Q. Okay.</p> <p>2 A. And so Sergeant Barnes said, we're 3 going to go, you know, talk and he led me to 4 this back like storage room area, I don't know 5 what it was, up in the Detective Division.</p> <p>6 And I basically, without naming who, I 7 told him what information I had heard. And, you 8 know, he said, you know, I know that, you know, 9 you worked for IAD, you brought a sergeant down. 10 And I said -- he said, you're going to deny you 11 worked for IAD?</p> <p>12 I said, well, there's a difference 13 between working for IAD or working on, you know, 14 a case that IAD is involved in, a Narcotics 15 case, you know, with wrongful stuff. I said 16 does -- yes, does IAD become involved, you know, 17 once you learn of some kind of allegations and 18 stuff, absolutely. What are you supposed to do, 19 you know, but it happens.</p> <p>20 And he's like, so you like to bring 21 sergeants down, huh? You like to have sergeants 22 arrested? And he's like, you like to do that 23 stuff? And I'm like nobody, you know --</p> <p>24 Q. Just tell me what he said and what you</p>	<p style="text-align: right;">Page 235</p> <p>1 they're not going to back you up. You're not 2 safe out here. He said, to be honest with you, 3 I'd hate to one of these days have to be the one 4 to knock on your door and tell your daughter 5 you're coming home in a box. That's how serious 6 it is.</p> <p>7 He said, if you want to address the 8 issue, I'll tell you what, the next time we have 9 a -- I call a team meeting, feel free to stand 10 up and address the issues, but I'm not going to 11 do it.</p> <p>12 Q. Okay.</p> <p>13 A. So I said, okay. On that particular 14 day, I said, okay.</p> <p>15 Q. Okay.</p> <p>16 A. During the course of that meeting, 17 Officer Echeverria and Williams walked in.</p> <p>18 Q. Okay. During the course of the meeting 19 you were just testifying to that you were having 20 with Barnes, Officer Echeverria and Kevin 21 Williams walk in?</p> <p>22 A. Yes.</p> <p>23 Q. Are they part of the conversation?</p> <p>24 A. They come in and they say, what's going</p>
<p style="text-align: right;">Page 234</p> <p>1 said.</p> <p>2 A. -- likes to do that. And he's like, 3 well, you know what the problem is, the team 4 doesn't -- the team doesn't like you. They're 5 not going to back you up, they don't trust you. 6 I said, they don't? They don't trust us? And 7 why is that? Because my understanding is 8 they're being ordered by you. They don't have a 9 problem with us. He said, yes, they do.</p> <p>10 I said, well, do you think it's 11 possible we could have a team meeting to 12 clarify? Let's put all the cards on the table, 13 we'll answer any questions. I don't want any 14 problems. And he said -- again, he would 15 continue to bring up, you like to bring 16 sergeants down, you like to put sergeants in 17 prison, over and over again.</p> <p>18 Q. Okay.</p> <p>19 A. And then he said, well, you know what, 20 you're not -- you're not social, you don't 21 even -- you don't socialize with the guys. I 22 said, I didn't know socializing with the guys 23 was part of my job requirement.</p> <p>24 And he's like, well, you know, and</p>	<p style="text-align: right;">Page 236</p> <p>1 on, you know. And I said, well, Danny, maybe 2 you should have a seat because Sergeant Barnes 3 says this is an issue with both of us, it 4 concerns both of us.</p> <p>5 Q. Does Officer Echeverria sit down?</p> <p>6 A. He walks in to sit down and Sergeant 7 Barnes says, no, Danny, you get to play with her 8 all day. I'll send her back when I'm finished.</p> <p>9 Q. Okay.</p> <p>10 A. And tells Danny to leave the room.</p> <p>11 Q. Okay.</p> <p>12 A. And Kevin Williams walked out, as well.</p> <p>13 Q. Okay. Other than what you just 14 testified to you saying and then Barnes saying, 15 Officer Echeverria was not present for the rest 16 of the conversation with Barnes, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Am I correct that the 19 conversation that you just testified to with 20 Sergeant Barnes is what you're referring to in 21 Paragraphs 78 and 79 of the Complaint?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Other than what you've already 24 testified to, is there any other alleged</p>

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<p style="text-align: right;">Page 237</p> <p>1 retaliation or harassment by Sergeant Barnes 2 that you're alleging? 3 A. From these paragraphs, no. 4 Q. Other than anything you've already 5 testified to, is there anything else that you're 6 alleging is retaliation or harassment by 7 Sergeant Barnes? 8 A. Yes. 9 Q. What else? 10 A. After that -- after that meeting with 11 Sergeant Barnes, a few days later, he calls a 12 team meeting. During that meeting, Officer 13 Echeverria stood up and said, I'd like to 14 address an issue. You know, does anybody here 15 seem to have a problem with my partner and I? 16 There's -- we're seeming to receive information 17 that people are questioning our intentions here 18 and whether we could be trusted. And it seems 19 to be we've been -- you know, my partner has 20 been informed that, you know, it's a problem, 21 the team has a problem working with us. Does 22 anyone have a problem working with either my 23 partner or I? And everyone said, no, we don't 24 have a problem.</p>	<p style="text-align: right;">Page 239</p> <p>1 A. Yes. 2 Q. What else? 3 A. Shortly after that, my partner and I 4 were called into a meeting with Sergeant Barnes, 5 Salemme and Cesario, at which point we were 6 removed from Sergeant Barnes' team. 7 Q. Okay. Let me stop you there. 8 MR. KING: I've got to eat. 9 MR. SMITH: Okay. 10 MR. KING: Can we do a short maybe 11 30 minutes? 12 MR. SMITH: Sounds good. 13 (Whereupon, a short break for 14 lunch was taken.) 15 BY MR. KING: 16 Q. Officer Spalding, if I could direct 17 your attention back to the Amended Complaint in 18 Paragraphs 33 and 34. In Paragraph 33, you make 19 the allegation that Defendant O'Grady began a 20 campaign of harassment, and then the next 21 paragraph you talked about the situation where 22 he refused to sign the confidential informant, 23 correct? 24 A. Correct.</p>
<p style="text-align: right;">Page 238</p> <p>1 And Sergeant Barnes said, you know, no, 2 you're misunderstanding. I said, I'm not 3 misunderstanding anything. Yesterday or two 4 days ago you stated that the team has a problem 5 working with us and that that's not safe -- and 6 that we're not safe out here. 7 And he tried to backpedal. And then 8 he's like, well, you said somebody told you that 9 I said this. Who told you? I said, I'm not 10 going to divulge that information. I want to 11 know who told you that. I said, Sergeant -- 12 Robert Walker stood up and said, I told her 13 Serge, I'm the one that told her because that's 14 what happened. 15 Q. Okay. 16 A. Ever then after that -- 17 Q. Do you recall anything else being said 18 in that conversation about this subject? 19 A. No. That meeting -- Sergeant Barnes 20 was very mad and that meeting was over very 21 quick after that. 22 Q. Okay. Other than what you already 23 testified to, is there anything else that you 24 consider retaliation by Sergeant Barnes?</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. Okay. My question is am I correct, 2 that this confidential informant incident on or 3 about August 17, 2010 was the first incident of 4 alleged retaliation that you're claiming by 5 either the City of Chicago or any of the 6 Defendants in this case? 7 A. That I'm aware of. 8 Q. Okay. That's the first incident? 9 You're not aware of any other incident? 10 A. With O'Grady, that's the first 11 incident. 12 Q. Okay. And my question was, am I 13 correct that this first incident with O'Grady on 14 or about August 17th is the first incident of 15 alleged retaliation that you're claiming in this 16 lawsuit either by the City of Chicago or any of 17 the Defendants -- individual Defendants in the 18 case? 19 MR. SMITH: I'm going to object, legal 20 conclusion. 21 BY MR. KING: 22 Q. Can you answer the question? 23 A. August of 2010. No, I don't think that 24 would be the first with the whole City of</p>

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<p>1 Chicago. Because there's incidents that 2 happened before O'Grady. I mean, just -- 3 correct.</p> <p>4 Q. Plaintiff Spalding, you allege that 5 Commander O'Grady began a campaign of harassment 6 and retaliation against you in August 2010. 7 Isn't it correct that you're not alleging that 8 there was any retaliation against you or your 9 partner, Officer Echeverria, prior to Defendant 10 O'Grady as you allege beginning that campaign of 11 harassment, you're not alleging that there was 12 any other retaliation against you for your 13 participation in Operation Brass Tax prior to 14 August, 2010?</p> <p>15 MR. SMITH: I'm going to object to 16 the form of the question, a legal conclusion. 17 Go ahead.</p> <p>18 THE WITNESS: We were there in 2008, 19 and that's two years later. That is the first 20 incident that alerted me to -- I'm sorry, I have 21 to look at this, because you're asking me in a 22 two years' time span. Do have the timeline?</p> <p>23 BY MR. KING:</p> <p>24 Q. You can't ask questions. I'm sorry.</p>	<p>Page 241</p> <p>1 Deb Kirby based on your involvement with 2 Operation Brass Tax? 3 A. Yes. 4 Q. Okay. What else did Deb Kirby do that 5 you're alleging was retaliation? 6 A. We were informed by Chief Juan Rivera 7 that after the incident occurred, that Deb Kirby 8 admitted to him that she -- you know, that she 9 had denied knowing it and that these two are 10 going to have to be the fall guys now because 11 it's -- I'm not going to go back. 12 Q. I understand that. And that relates to 13 Debbie -- Deb Kirby allegedly denying the 14 knowledge that you were involved in Operation 15 Brass Tax. 16 Other than that subject, Deb Kirby 17 allegedly denying knowing that you were involved 18 in that Operation Brass Tax, are you alleging 19 that there was any other retaliation by Deb 20 Kirby? 21 A. No. 22 Q. Okay. Am I correct that Lieutenant 23 Pascua never disciplined you in any fashion? 24 A. Not that I'm aware of.</p>
<p>1 Okay. 2 A. Well -- 3 Q. My question is I am correct, aren't I, 4 that the first incident of alleged retaliation 5 that you're claiming in this lawsuit against you 6 or your partner, Officer Echeverria, which you 7 allege was retaliation for your reporting or 8 your work on Operation Brass Tax, was the 9 August 17, 2010 incident where you allege that 10 O'Grady wouldn't approve your confidential 11 informant, correct? 12 A. To the best of my recollection at this 13 time, I believe you are correct. 14 Q. Okay. Ms. Spalding, you also testified 15 earlier about an incident where you came to 16 understand that Deb Kirby had denied knowing 17 about your involvement in Operation Brass Tax. 18 Do you recall that testimony? 19 A. Yes, sir. 20 Q. Okay. Other than that allegation that 21 in connection with that incident, Deb Kirby 22 denied -- allegedly denied knowing about your 23 involvement in Operation Brass Tax, are you 24 alleging that there was any other retaliation by</p>	<p>Page 242</p> <p>1 Q. Okay. And you're also not aware of 2 Lieutenant Sadowski ever disciplining you in any 3 fashion, correct? 4 A. I was aware that he stated that we were 5 going to have a meeting for it, which never 6 occurred between himself and I. 7 Q. Okay. So to the best of your 8 knowledge, Plaintiff Spalding, you're not aware 9 of Lieutenant Sadowski ever disciplining you in 10 any fashion, correct? 11 A. Other than stating that he was going 12 to, what he did with that, to my knowledge, I 13 don't know. 14 Q. Okay. Now, if I can direct your 15 attention back to the Amended Complaint, 16 Exhibit 1, and Paragraph 80 of the Complaint. 17 As alleged in Paragraph 80, who ordered 18 you to meet with Salemme, Cesario and Barnes? 19 A. Sergeant Barnes informed us that. 20 Q. And did he inform you the same day of 21 the meeting? 22 A. No. 23 Q. What did Sergeant Barnes inform you 24 about that meeting?</p> <p>Page 244</p>

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<p style="text-align: right;">Page 245</p> <p>1 A. Nothing, other than a few days prior, 2 he stated on this date that we were to meet him, 3 the commander and the lieutenant in the unit for 4 a meeting. 5 Q. Okay. 6 A. That's all he said. 7 Q. Okay. And this meeting did take place? 8 A. Yes, sir. 9 Q. And were you, Officer Echeverria, 10 Lieutenant Cesario, Sergeant Barnes and 11 Commander Salemme present? 12 A. Yes. 13 Q. Okay. What do you recall being said in 14 that meeting by you or by any of the 15 participants in the meeting? 16 A. Well, I know that we were called in and 17 we sat down. And at first, Lieutenant Cesario 18 attempted to challenge our -- attempted to cite 19 our performance as a reason that he was going to 20 be kicking us off of the day team, which is a 21 CPD/marshal's team where CPD officers are 22 deputized. 23 Q. Right. But you and Officer Echeverria 24 were not deputized?</p>	<p style="text-align: right;">Page 247</p> <p>1 Q. Okay. What did he say about the 2 activity report? 3 A. You know, this is your activity and 4 what do you think of that. And I said, well, 5 activity is -- in a Detective Division, which 6 falls under the Detective Division, the Fugitive 7 Apprehension is based on your assignments. So 8 your assignments are assigned to you. So your 9 activity can be only what your assignments are. 10 Q. Okay. 11 A. So we can't -- if we don't get the 12 assignments, there -- we have to be assigned the 13 cases. 14 Q. Okay. 15 A. So then -- continue. 16 Q. Sure. 17 A. So then Commander Salemme stated, did 18 you or did you not ever work for IAD. You work 19 for IAD? And, you know, at that point we said, 20 at no time were we ever assigned to IAD; but did 21 we work investigations with IAD, yes. 22 Q. Okay. 23 A. Regarding internal corruption, yes. 24 But those are two very different subjects. He</p>
<p style="text-align: right;">Page 246</p> <p>1 A. No, not at that time. No, we were not. 2 Absolutely not. 3 Q. Okay. So Cesario indicated that he was 4 moving you from Barnes' team, day team, 5 correct? 6 A. Correct. 7 Q. And you said he attempted to cite your 8 performance. By that, he mentioned your arrest 9 activity, correct? 10 A. Well, that's what he said. 11 Q. Okay. 12 A. We challenged that. 13 Q. Okay. 14 A. And then Commander -- 15 Q. Tell me what you specifically recall 16 Cesario saying and -- 17 A. He pushed a paper and said, look at 18 this, these -- activity report. And it was 19 based -- activity is -- 20 Q. I just want to know what was said in 21 meeting, I don't want to know anything else. 22 Okay. He had some Activity Reports in 23 the meeting, correct? 24 A. Correct.</p>	<p style="text-align: right;">Page 248</p> <p>1 said, you should have known better. If you want 2 to go against other sworn personnel, you should 3 have known this shit was going to happen to you. 4 You brought this baggage here with you. I 5 didn't give it to you, you came here with it. 6 Q. Okay. Commander Salemme said that? 7 A. Yeah, Commander Salemme said that. 8 Q. Do you recall anything else said in 9 this meeting by any participants? 10 A. Yes. Sergeant -- I mean, Lieutenant 11 Cesario said that he was taking us -- we were 12 being removed from Sergeant Barnes' day team. 13 And he said, you want to go against officers, 14 you want to do this type of activity, you are 15 going to be put on the night team way up north. 16 He stated, you will no longer work south, you 17 will no longer work days, you will no longer 18 have a take home car and if I can help it, you 19 will never be deputized. 20 Q. Okay. 21 A. And he said to me, you will never have 22 any of these things as long as you are here. 23 And then lieutenant -- the commander said, 24 you're still in the unit for now because we</p>

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<p>1 couldn't get you out just yet. Meaning to me --</p> <p>2 Q. Commander Salemme said that?</p> <p>3 A. Yes, Commander Salemme said that.</p> <p>4 Q. Okay. Do you recall anything else that</p> <p>5 was said in the meeting?</p> <p>6 A. There was so much said. It was a -- it</p> <p>7 was a fairly long meeting. They continued -- I</p> <p>8 mean, the questioning about our involvement with</p> <p>9 IAD and our working with IAD and what we had</p> <p>10 done with them, was fairly extensive by the</p> <p>11 commander and Cesario, the questionings into --</p> <p>12 Q. Other than what you've already</p> <p>13 testified to, do you specifically remember</p> <p>14 anything else said in the meeting?</p> <p>15 A. I remember that, you know -- I remember</p> <p>16 that I asked -- I openly said, so if we had</p> <p>17 never been assigned to work this case with IAD,</p> <p>18 if we had never been involved with any of this,</p> <p>19 would any of this be happening at all right now.</p> <p>20 And I was told by Lieutenant Cesario, no.</p> <p>21 Q. Okay.</p> <p>22 A. Okay. I was also -- I then also said,</p> <p>23 you know, is it possible that I can go anywhere</p> <p>24 else and work days, anywhere else. And he said,</p>	<p>1 believe, I believe that -- I don't know if it</p> <p>2 was Barnes or -- I believe it was Cesario that</p> <p>3 brought that up. I believe that Lieutenant --</p> <p>4 Q. What do you recall Lieutenant Cesario</p> <p>5 saying about that subject?</p> <p>6 A. I do recall Lieutenant Cesario saying</p> <p>7 that in addition to that --</p> <p>8 Q. He said in addition to your activity,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. In addition to, meaning referring to</p> <p>13 everything that I have previously stated --</p> <p>14 Q. Okay.</p> <p>15 A. In addition to that, you know, Officer</p> <p>16 Hernandez -- he said, are you dating Officer</p> <p>17 Hernandez. And I said what does that have to do</p> <p>18 with any of this. I don't understand that. And</p> <p>19 he said, well, Officer Hernandez came over to</p> <p>20 Barnes and talked -- had a confrontation with</p> <p>21 him.</p> <p>22 Q. Okay.</p> <p>23 A. I don't know if he said confrontation</p> <p>24 or communication with him. I may not be using</p>
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<p>1 for you, never. You'll never see days again.</p> <p>2 Q. Okay. You inquired about working days.</p> <p>3 Did Officer Echeverria say anything about</p> <p>4 wanting to work days?</p> <p>5 A. Well, he -- yes. He stated, you know,</p> <p>6 we're not asking to be moved to another shift or</p> <p>7 the other side of the City, you know. We don't</p> <p>8 want this. And Lieutenant Cesario said, well,</p> <p>9 I'm the one that makes these decisions and</p> <p>10 you're going.</p> <p>11 Q. Okay. Other than what you've already</p> <p>12 testified to, do you recall anything else that</p> <p>13 was said by anyone in that meeting?</p> <p>14 A. You know, there was so much said, I</p> <p>15 don't recall specifics. There were -- there are</p> <p>16 additional specifics, but I can't recall what</p> <p>17 they are right now.</p> <p>18 Q. Okay. Isn't it true that in that</p> <p>19 meeting, somebody mentioned the fact that your</p> <p>20 boyfriend, Anthony Hernandez, had had a</p> <p>21 confrontation with Sergeant Barnes?</p> <p>22 A. Yes, yes.</p> <p>23 Q. Okay. Who brought that up?</p> <p>24 A. It is true. Now, I'm not sure if -- I</p>	<p>1 the word --</p> <p>2 Q. Okay.</p> <p>3 A. He may not have used the word</p> <p>4 confrontation.</p> <p>5 Q. He may have, he may not have?</p> <p>6 A. Yeah. He came over to talk to Sergeant</p> <p>7 Barnes regarding some other -- the rumors of</p> <p>8 sergeants, the rumors of the sergeants, me being</p> <p>9 IAD, taking down the sergeants, you know, those</p> <p>10 rumors. Because now that you say that, it</p> <p>11 reminds me that Sergeant Barnes, when we had our</p> <p>12 meeting when I asked him about can we clear the</p> <p>13 air with any of your concerns --</p> <p>14 Q. Yes.</p> <p>15 A. -- he had also brought up Sergeant Jay</p> <p>16 Padar from Narcotics and an allegation against</p> <p>17 him and said I was responsible for that.</p> <p>18 Q. Okay.</p> <p>19 A. And I stated that I was not responsible</p> <p>20 for that. And then --</p> <p>21 Q. Okay. Let's go back to the meeting</p> <p>22 that you're testifying about. Cesario brings up</p> <p>23 the fact that there was a confrontation or</p> <p>24 communication between Anthony Hernandez and</p>

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1 Sergeant Barnes?	1 A. Yes.
2 A. Yes, yes.	2 Q. -- the confrontation between Anthony
3 Q. What else is said about that?	3 Hernandez and Sergeant Barnes?
4 A. He said that because of that, because	4 A. Yes.
5 of -- Sergeant Barnes said that he didn't like	5 Q. What else was said?
6 the way that he approached him and that he	6 A. Then I said, so if you are unhappy with
7 had -- I said, approached him? Because I	7 the actions of another officer, why don't you
8 actually now -- now that you bring this up --	8 take disciplinary action against that officer
9 Q. Please only tell me what was said in	9 and speak to his supervisors? I don't see -- I
10 the meeting.	10 don't control a conversation between another
11 A. Okay. I'm sorry.	11 officer, especially when their offices are right
12 Q. Do you recall anything else?	12 next door to each other and they cross paths, if
13 A. Sergeant Barnes said -- Sergeant Barnes	13 they happen to have a conversation --
14 said that it was -- maybe Sergeant Barnes said	14 Q. Okay.
15 it was a confrontation or something along the	15 A. -- and they work, the computers are
16 lines of he didn't like the way he was	16 next to each other.
17 approached. And I said, well, when I --	17 Q. Please just tell me what was said in
18 Q. When Sergeant Barnes said he didn't	18 the meeting.
19 like the way he was approached, he meant by	19 A. I said, I don't control that and I
20 Anthony Hernandez?	20 don't feel that I should be accountable for some
21 A. Anthony Hernandez.	21 other officer's actions, that he should be -- if
22 Q. Correct?	22 he has done something wrong, you should be
23 A. Yes, he did.	23 initiating disciplinary action against him for
24 Q. Okay.	24 that. I said that in the meeting.
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1 A. And I said, when I talked to yesterday	1 Q. Okay. Do you recall that you
2 after the conversation with Anthony Hernandez,	2 apologized in the meeting for Officer Hernandez'
3 you guys exchanged phone numbers, you were	3 actions?
4 talking fine. That's not the impression you	4 A. I told him I wasn't responsible for
5 gave me yesterday. It was just a conversation.	5 that. And Sergeant Barnes said, well, for a
6 And he said, well, you know, he came up behind	6 minute there I thought you might have told him
7 me and it startled me. And, you know, Loren	7 to do that. And I told him I'm sorry that you
8 Guishnere is a witness to that.	8 feel that way.
9 Q. Okay. Let's just talk about the	9 Q. Okay.
10 meeting.	10 A. And -- something else in the meeting.
11 A. That's what he said. That's the	11 Q. Do you recall anything else said in the
12 meeting.	12 meeting?
13 Q. No. Loren Guishnere is not in the	13 A. Yes, I do.
14 meeting we're testifying about.	14 Q. Okay.
15 A. Sergeant Barnes said Loren Guishnere is	15 A. Sergeant Barnes stated before we left,
16 a witness to the conversation between --	16 he said, you know what, he said, give me a call,
17 Q. Sorry.	17 we can talk about this.
18 A. -- me and Hernandez. It was not --	18 Q. Okay. And other than what you've
19 Q. Okay.	19 already testified to, do you recall anything
20 A. You know, it was a little more than	20 else said in that meeting?
21 friendly. That was said in the meeting.	21 A. I believe that Danny and I -- the
22 Q. Okay. Other than what you've testified	22 meeting was concluded with us being told, you
23 to, do you recall anything else said in the	23 know, when we were going to start nights and all
24 meeting about --	24 of that information was provided to us.

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1 Q. Okay.	1 A. Correct.
2 A. And then Danny and I exited the	2 Q. Okay. And that third watch had to
3 meeting, and Danny was not comfortable with the	3 obviously be staffed with officers, correct?
4 way it was left. He said, do you know what, I	4 A. Correct.
5 have something else to say.	5 Q. And at that time, when you were moved
6 Q. Okay.	6 to the third watch, you had only been in
7 A. And we walked back into the room.	7 Fugitive Apprehension for -- do you know how
8 Q. Okay. And after you walked back in the	8 long?
9 room, what do you recall being said?	9 A. Well, March to June.
10 A. I remember Danny stating, you know	10 Q. Okay. So a couple months?
11 what, this is not right, this is all because of	11 A. Correct.
12 retaliation for something and we did the right	12 Q. A few months, okay. And there were
13 thing and we wouldn't be getting kicked off by	13 other officers that were moved from the second
14 Commander -- Lieutenant Cesario's own words, we	14 watch to the third watch, also, correct?
15 wouldn't be getting kicked off if we didn't do	15 A. I don't know about that.
16 this investigation and it wasn't right and we	16 Q. Okay. But on the third watch, you were
17 didn't want this to happen and we were not	17 still in Fugitive Apprehension, you were just
18 requesting this and --	18 working on the North Side and different hours
19 Q. Okay. Do you recall anything else	19 instead of the South Side, correct?
20 being said in that second part of the meeting?	20 A. It's not just that, no.
21 A. No. We exited -- we exited the office	21 Q. Okay. At the time were you reassigned
22 and then Barnes follows us out and says, can I	22 to the third watch on the North Side, you were
23 talk to you.	23 living on the South Side, correct?
24 Q. Okay. Did Barnes talk to you?	24 A. Extreme South Side.
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1 A. Yes, he did talk to Danny and I.	1 Q. Okay. And Officer Echeverria was
2 Q. Okay. And where did this conversation	2 living on the North Side, correct?
3 take place?	3 A. Yes.
4 A. In the hallway in the building.	4 Q. Okay. What was his address at the
5 Q. Okay. And what do you recall said by	5 time?
6 any of the participants in that conversation?	6 A. I don't know his exact address, but I
7 A. Sergeant Barnes said, do you know what,	7 think it's 56 something North Mulligan.
8 why don't you call me, we'll see what we can do	8 Q. Okay. And your assignments out of the
9 about this. I said, for what, you already did	9 third watch on the North Side were typically
10 it? You went up there and made me guilty for	10 chasing fugitives on the North Side, would that
11 whatever you felt, you know, and it's already	11 be fair to say?
12 done. There's -- you know, fix what? It should	12 A. It would be looking for offenders on
13 have never happened.	13 the North Side.
14 Q. Okay. Do you recall anything else	14 Q. Okay.
15 being said in that conversation?	15 (Whereupon, Spalding Deposition
16 A. No, I don't.	16 Exhibit No. 5 was marked for
17 Q. Okay. Did you ever have any further	17 identification.)
18 conversations with Sergeant Barnes about that	18 BY MR. KING:
19 subject of you been moved off of his team onto	19 Q. Officer Spalding, I'm showing you
20 another team?	20 another document that's been marked as
21 A. No, I don't think so.	21 Deposition Exhibit No. 5. I'll ask you if
22 Q. Okay. Now, at the time Fugitive	22 you've seen it before. But it appears to be
23 Apprehension was starting a new third watch,	23 some arrest records for yourself between
24 correct?	24 March 22, 2012 and June, 21, 2012. Take a look

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<p style="text-align: right;">Page 261</p> <p>1 at the first and the second pages. Do you think 2 you've ever seen this document before?</p> <p>3 A. I know I have never seen it before.</p> <p>4 Q. Okay. Do you know one way or another 5 whether this was the document that Lieutenant -- 6 Lieutenant Cesario had with him in the meeting 7 that you were just testifying to that took place 8 on or about June 20, 2012?</p> <p>9 A. No. I -- it could be.</p> <p>10 Q. It could be, okay.</p> <p>11 A. It might not be.</p> <p>12 Q. That's good enough.</p> <p>13 And as you sit here today, do you have 14 any reason to believe this report is inaccurate 15 in terms of your arrest activity between 16 March 22, 2012 and June 21, 2012?</p> <p>17 A. I would have absolutely no way to know 18 if this is accurate or not.</p> <p>19 Q. Okay. Now, when you were told that you 20 were moving to the night team on the North Side, 21 in that meeting, were you told that you were -- 22 that you'd be assigned to Sergeant Mills or 23 when did you learn you'd be assigned to Sergeant 24 Mills?</p>	<p style="text-align: right;">Page 263</p> <p>1 Q. And what do you recall being said in 2 that initial conversation with Sergeant Mills?</p> <p>3 A. Following the advice of Juan Rivera, we 4 decided to talk to Mills about the way that we 5 were moved and the reasons why we were moved 6 from Sergeant Barnes' team and explain the 7 situation to him. As I said, we were told that, 8 you know, maybe he would, you know -- we 9 wanted -- we are tired of the trouble, we wanted 10 upfront here's the deal, this is what's going 11 on, we don't know what you were being told.</p> <p>12 Q. Sure.</p> <p>13 A. I said, you know, we don't know what 14 you were told --</p> <p>15 Q. Sure.</p> <p>16 A. -- but this is what happened on our 17 side and, you know. He said, you know, fair 18 enough. He said he was going to actually give 19 Juan Rivera a call and talk to him about us.</p> <p>20 Q. Okay. Do you recall him saying 21 something along the lines of, you'd get a fresh 22 start with him, he wasn't going to hold anything 23 against you from the past?</p> <p>24 A. I remember him saying that he was going</p>
<p style="text-align: right;">Page 262</p> <p>1 A. I don't know if it was in that meeting 2 or afterwards. I'm sorry, should I continue?</p> <p>3 Q. Sure.</p> <p>4 A. Yes, as a matter of fact, it was in 5 that meeting, now that you say that.</p> <p>6 Q. Okay.</p> <p>7 A. Because Commander Salemme said, we're 8 going to put you on Sergeant Mills' team. He 9 came from IAD, maybe he can help you learn how 10 to deal with that baggage you brought with 11 yourselves since you came from IAD, as well.</p> <p>12 Q. Okay. And when you first reported to 13 the third watch working for Sergeant Mills, do 14 you recall having an initial meeting, initial 15 conversation with Sergeant Mills?</p> <p>16 A. Yes.</p> <p>17 Q. And where did that take place?</p> <p>18 A. Outside the Fugitive unit in the 19 hallway.</p> <p>20 Q. Okay. And were you and Officer 21 Echeverria present?</p> <p>22 A. Yes.</p> <p>23 Q. And just Sergeant Mills?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 264</p> <p>1 to contact Juan Rivera and then -- I don't know 2 if it was in that meeting or after he called 3 Juan that he did say something along those 4 lines.</p> <p>5 Q. Okay.</p> <p>6 A. But he did say it.</p> <p>7 Q. Okay.</p> <p>8 A. If it was at that time or a couple days 9 later, I'm not.</p> <p>10 Q. Okay. Between the time you were told 11 you were going from Barnes' team to Mills' team, 12 did you contact Juan Rivera?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And was that one conversation 15 before you reported to Mills or do you think 16 multiple conversations?</p> <p>17 A. I know Officer Echeverria had called 18 him.</p> <p>19 Q. Okay.</p> <p>20 A. And then I know that he called Officer 21 Echeverria back. I also know that I contacted 22 him. He said he was going into a meeting and 23 that he would call me back.</p> <p>24 Q. Okay.</p>

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<p style="text-align: right;">Page 265</p> <p>1 A. But then he failed to do so. So I then 2 called Tom Chester and said, this is what's 3 going on, you know. I mean, this retaliation 4 that isn't supposed to be happening that we were 5 guaranteed by Tom Byrne would not happen in his 6 unit because it won't -- he wouldn't tolerate 7 it, is happening. And Tom Chester said, I will 8 reach out to Chief Rivera and get him to call 9 you.</p> <p>10 Q. Okay.</p> <p>11 A. Juan's a good guy, but he doesn't 12 always do what he's supposed to do. And then 13 Chief Rivera called me back after Tom Chester 14 reached out to him.</p> <p>15 Q. Okay. So you had a phone conversation 16 with Chief Rivera before you met Sergeant 17 Mills?</p> <p>18 A. Yes, I did.</p> <p>19 Q. And what was said during that 20 conversation?</p> <p>21 A. During the conversation -- now, I 22 don't -- I don't know if it was -- I don't know 23 if -- the conversation was that -- and now I 24 don't know if he had this conversation with</p>	<p style="text-align: right;">Page 267</p> <p>1 doing in Fugitive Apprehension is building -- 2 this is how they build a case against you. He 3 said, so what I'm going to tell you to do is 4 document and record every incident that happens 5 and I will take it to the next level, obviously, 6 if it's necessary.</p> <p>7 Q. Okay. Do you recall anything else 8 being said in that conversation with Juan 9 Rivera?</p> <p>10 A. I think that's the majority of the 11 ground that was covered.</p> <p>12 Q. Okay. You can't recall anything else? 13 I'm not suggesting there was anything else.</p> <p>14 A. I mean, I think that covers the gist of 15 the conversation.</p> <p>16 Q. Okay.</p> <p>17 A. I could be forgetting something.</p> <p>18 Q. Okay.</p> <p>19 A. There's a lot of stuff to remember.</p> <p>20 Q. Okay. So you have an initial meeting 21 with Sergeant Mills that goes okay, as far as 22 you're concerned?</p> <p>23 A. Yeah.</p> <p>24 Q. You indicate you have a subsequent</p>
<p style="text-align: right;">Page 266</p> <p>1 Danny and he was on speakerphone or I was on the 2 phone with him by myself.</p> <p>3 Q. Okay.</p> <p>4 A. Okay. He said that Sergeant Mills, you 5 know, he knows him personally and that he made 6 him meritorious sergeant. And he said that just 7 go to him and let him know what's going on.</p> <p>8 Q. Okay.</p> <p>9 A. And that was basically it. He said --</p> <p>10 Q. Did he tell you that Sergeant Mills had 11 worked for him, Juan Rivera in IAD?</p> <p>12 A. Yes. And that's why he meritoriously 13 promoted him from there. I'm sorry, yes.</p> <p>14 Q. So he had a positive impression of 15 Sergeant Mills, is that fair to say?</p> <p>16 MR. SMITH: Objection.</p> <p>17 THE WITNESS: I don't know. Because he 18 said we'll see -- after you reach out to him, 19 we'll see what kind of individual he is or where 20 his loyalties lie now. That's what Juan Rivera 21 said, we'll see where his loyalties lie now.</p> <p>22 BY MR. KING:</p> <p>23 Q. Okay.</p> <p>24 A. And then he also said, what they're</p>	<p style="text-align: right;">Page 268</p> <p>1 meeting. He said something along the lines of 2 you've got a fresh start with me, correct?</p> <p>3 A. Between one of those two times --</p> <p>4 Q. Sure, one of those two times.</p> <p>5 A. -- that conversation happened.</p> <p>6 Q. Okay. My understanding is that you 7 allege in the Complaint that after you filed 8 your lawsuit and you and Officer Echeverria 9 spoke to the media, that Sergeant Mills 10 retaliated against you. My question is, is it 11 your claim that Sergeant Mills engaged in any 12 retaliation against you or Officer Echeverria 13 before you filed your lawsuit?</p> <p>14 A. No. Not -- no.</p> <p>15 Q. After you filed your lawsuit, is it 16 your allegation that Sergeant Mills engaged in 17 some retaliation against you?</p> <p>18 A. Yes.</p> <p>19 Q. And what retaliation are you alleging 20 that Sergeant Mills engaged in?</p> <p>21 A. Well, after the lawsuit was filed, it 22 was a whole different atmosphere when you return 23 back to work and a whole different attitude with 24 Sergeant Mills. You absolutely could feel the</p>

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<p>1 tension.</p> <p>2 You -- Sergeant Mills, I pulled him to</p> <p>3 the side as soon as we came to work the next</p> <p>4 day. And I said, obviously you're aware of the</p> <p>5 situation and obviously no, I couldn't tell you</p> <p>6 ahead of time that this was going to happen.</p> <p>7 And, you know, I'm curious as to how this is</p> <p>8 going to, you know, affect us working here. And</p> <p>9 he said, it is what it is.</p> <p>10 You know, at some point he informed me</p> <p>11 that, you know, Juan Rivera and him were in the</p> <p>12 Marines together. I believe he said the</p> <p>13 Marines. It was the military.</p> <p>14 Q. Okay.</p> <p>15 A. And that him and Salemme have been</p> <p>16 friends forever, they go golfing all the time</p> <p>17 and that they've been friends for over 20 years</p> <p>18 and the ties to these individuals run deep.</p> <p>19 Q. Okay. Are you testifying to what</p> <p>20 Sergeant Mills said in that first post-lawsuit</p> <p>21 conversation?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you recall anything else said</p> <p>24 in that conversation?</p>	<p>Page 269</p> <p>1 testified to, do you remember anything else</p> <p>2 being said in that conversation?</p> <p>3 A. Yes.</p> <p>4 Q. What else?</p> <p>5 A. He said -- I said, what happened during</p> <p>6 the team meeting. He said, well, some people</p> <p>7 hate you, you know, some people don't really</p> <p>8 give a shit. And he even said, one person said</p> <p>9 Danny should have gotten a haircut before going</p> <p>10 on TV.</p> <p>11 He said, but different people have</p> <p>12 different amounts of time on the job. People</p> <p>13 with more time, they're not really too concerned</p> <p>14 about it.</p> <p>15 Q. Sure.</p> <p>16 A. But our team is a young team, a lot of</p> <p>17 people with not a lot of time and they hate you</p> <p>18 and maybe they don't even know why they hate</p> <p>19 you.</p> <p>20 Q. Okay.</p> <p>21 A. He said, but, you know, it is what it</p> <p>22 is. I said, well, it's not easy, it was</p> <p>23 something that was a very last resort where we</p> <p>24 tried to resolve it internally. And he said,</p>
<p>1 A. I know he said it is what it is. He</p> <p>2 said, you know -- I said, well, can you tell me,</p> <p>3 you know, how you were notified or what the team</p> <p>4 thinks about this.</p> <p>5 And he said, well, you know, I was</p> <p>6 notified by the commander that you guys were</p> <p>7 going to have a news conference and so I told</p> <p>8 all the members of the team to come in, watch</p> <p>9 the conference, we were going to see what's on</p> <p>10 the news and see what happens and then we had a</p> <p>11 team meeting about it.</p> <p>12 Q. Okay. So you had a team meeting --</p> <p>13 A. Mills is telling me that they had a</p> <p>14 team meeting about it.</p> <p>15 Q. Okay. I see, okay.</p> <p>16 A. That night after the media aired.</p> <p>17 Q. And this post-lawsuit conversation</p> <p>18 you're testifying to, was Officer Echeverria</p> <p>19 also part of that conversation?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. It's just the two of you and</p> <p>22 Sergeant Mills?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Other than what you've already</p>	<p>Page 270</p> <p>1 I'm sure it's not easy. He said -- I said, it's</p> <p>2 nothing we wanted to do. It's not a place we</p> <p>3 wanted to be. And we just wanted to come to</p> <p>4 work and do our job and be left alone.</p> <p>5 And he said, I understand that. I'm</p> <p>6 sure it's not easy. I can't think that anybody</p> <p>7 that would go to this extreme, it would be easy</p> <p>8 for.</p> <p>9 Q. Sure.</p> <p>10 A. He said, I'm sure it's very difficult</p> <p>11 and, you know. So that's what happened and, you</p> <p>12 know, that's it. And that was the five minutes</p> <p>13 after we walked in, the day after we hit the</p> <p>14 media.</p> <p>15 Q. Okay. And what retaliation are you</p> <p>16 claiming that Sergeant Mills engaged in?</p> <p>17 A. Well, as time went on, Sergeant Mills</p> <p>18 went from being -- from stating that -- at one</p> <p>19 point he said, it's evident to me that they do</p> <p>20 treat you differently and that they are working</p> <p>21 against you and retaliating against you. At one</p> <p>22 point, he was completely on our side and --</p> <p>23 Q. When did Sergeant Mills --</p> <p>24 A. I'm explaining that.</p>

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<p>1 Q. -- say that to you?</p> <p>2 A. When did he make that comment?</p> <p>3 Q. Yes.</p> <p>4 A. Sergeant Mills made that comment in</p> <p>5 about July when I was banned from the building</p> <p>6 by Commander O'Grady.</p> <p>7 Q. Okay. We'll come back to that.</p> <p>8 Okay. I'm sorry for interrupting you.</p> <p>9 My question was what retaliation are you</p> <p>10 claiming that Sergeant Mills engaged in.</p> <p>11 A. Okay. He did a 360 from the way he</p> <p>12 used to be. From the way that he would talk to</p> <p>13 us, from the way that he would just throw the</p> <p>14 keys down, from the point that he would send us,</p> <p>15 you know, text messages not to come in until the</p> <p>16 end of the tour. At one point I went into the</p> <p>17 unit to use the bathroom and he said, you know,</p> <p>18 I told you don't come in from off the street</p> <p>19 until the end of the tour, you know, you've got</p> <p>20 to be out on the street.</p> <p>21 I became so intimidated that every time</p> <p>22 I was going to walk in there, I was going to be</p> <p>23 yelled at like I was called into the principal's</p> <p>24 office, that I started going to the McDonalds on</p>	Page 273	Page 275
<p>1 the West Side to use the bathroom rather than</p> <p>2 walking into the facilities and being screamed</p> <p>3 at for just wanting to use the bathroom.</p> <p>4 Q. Okay.</p> <p>5 A. Okay. So that's just part of it. He</p> <p>6 would send us out and switch our hours when we</p> <p>7 needed to, to go work days, you know, whatever.</p> <p>8 And there was a time that I had to get</p> <p>9 this guy, I don't recall his name. It was</p> <p>10 around Valentine's Day. But his previous</p> <p>11 record, he had to be tased multiple times, it</p> <p>12 was a chase, a foot pursuit, battery to PO or</p> <p>13 some kind of, you know, incident where it took</p> <p>14 multiple officers to take him down and</p> <p>15 everything. So now I've got to go get this guy</p> <p>16 for battery or something, a domestic battery</p> <p>17 and --</p> <p>18 Q. So Sergeant Mills gave you an</p> <p>19 assignment to go and get this guy that you're</p> <p>20 testifying?</p> <p>21 A. I don't know that Sergeant Mills gave</p> <p>22 me the assignment, it came in an e-mail from the</p> <p>23 unit.</p> <p>24 Q. Okay.</p>	Page 274	Page 276

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<p style="text-align: right;">Page 277</p> <p>1 with Sergeant Mills. I believe I talked to him 2 during that day where, you know, he said it's 3 just going to be the two of you, you know, be 4 careful with this guy.</p> <p>5 Q. Okay.</p> <p>6 A. But nobody else is coming. I believe 7 at some point that I may have received a text 8 either that day -- we worked multiple days on 9 the same offender, but at some point of working 10 on this offender of, you know, be careful, but 11 it's just the two of us against this person.</p> <p>12 Q. Okay. But you don't know why Dingle 13 and Roxanne didn't show up, do you?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. But when the sergeant tells you that 17 you're going to switch your hours and you're 18 going to have backup --</p> <p>19 Q. I understand, I understand.</p> <p>20 But you testified you were expecting 21 that Dingle and Roxanne would be there to back 22 you up. Am I correct that you do not know why 23 Dingle and Roxanne weren't there to back you up, 24 correct?</p>	<p style="text-align: right;">Page 279</p> <p>1 pointing at Lieutenant Cesario's office, is 2 going to be the one that handles that for you. 3 How do you think that's going to go for you? 4 It's not going to go fucking well.</p> <p>5 He said, the people on the team don't 6 want to work with you, they don't trust you. 7 For all we know, you could still be working IAD 8 investigating them. They don't want to work 9 with you guys after all of this came out.</p> <p>10 Q. Okay.</p> <p>11 A. He said, I'm not here to -- I 12 requested, well, then maybe we can have a 13 meeting. As a supervisor, is there anything you 14 can do to intervene on our behalf? How would 15 you suggest that we handle this? And he said, 16 I'm not here to be your social mediator. That's 17 your problem, not mine.</p> <p>18 Q. Okay.</p> <p>19 A. How --</p> <p>20 Q. Statements along the lines that you 21 just testified to, did Sergeant Mills make them 22 once or approximately how many times?</p> <p>23 A. It continued from the time that we 24 filed the lawsuit until I went on the medical</p>
<p style="text-align: right;">Page 278</p> <p>1 A. I know there were no officers there to 2 back me up --</p> <p>3 Q. Can you answer my question?</p> <p>4 A. I don't know why.</p> <p>5 Q. Okay, thank you.</p> <p>6 Okay. Other than what you've already 7 testified to, is there anything else that 8 Sergeant Mills did that you believe was 9 retaliation against you?</p> <p>10 A. There's a very long list. I'm going to 11 have trouble remembering every absolutely 12 incident -- every single incident.</p> <p>13 Q. Well, do your best.</p> <p>14 A. I'm going to do my best.</p> <p>15 Q. Okay.</p> <p>16 A. The lawsuit became a topic of 17 conversation almost on a daily basis. Comments 18 would be made to me like, what are you going to 19 do when you lose this lawsuit, what the fuck do 20 you think is going to happen to you then? I 21 don't even know why you're still in this unit. 22 Why are you still in the unit?</p> <p>23 What do you think is going to happen if 24 you get in a police involved shooting? He,</p>	<p style="text-align: right;">Page 280</p> <p>1 and did not return back to work.</p> <p>2 Q. Okay.</p> <p>3 A. And it progressively became worse.</p> <p>4 Q. Okay.</p> <p>5 A. To the point that I couldn't go back to 6 work.</p> <p>7 Q. Okay. Have you testified to everything 8 that you believe Sergeant Mills did that was 9 retaliation against you?</p> <p>10 A. No.</p> <p>11 Q. What else?</p> <p>12 A. We would work what's called VRI, which 13 is overtime, and that is seniority based. 14 Usually everything that is done in Fugitive 15 Apprehension is based on your seniority number 16 of years on the job, not your time in the unit.</p> <p>17 Q. Okay. Who told you that overtime would 18 be based on your seniority on the job?</p> <p>19 A. Sergeant Mills.</p> <p>20 Q. Okay.</p> <p>21 A. And it's -- it's definite --</p> <p>22 Q. Okay.</p> <p>23 A. And it's a fact. Because everybody 24 would apply and they would take the people by</p>

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<p>1 the top of seniority.</p> <p>2 Q. Okay. Among those who apply, it's your 3 testimony that they would take them by 4 seniority?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Okay. And if two people were needed 7 for overtime and you didn't get your application 8 for overtime in before two other people did, 9 then you wouldn't get overtime, right?</p> <p>10 A. No. There was -- you would have to 11 submit your applications to the secretary, one 12 of the secretaries, usually Jan Hannah.</p> <p>13 Q. Okay.</p> <p>14 A. And as long as you got it to her by a 15 specific date, it had to be in by that date. It 16 didn't mean if he turned -- someone turned 17 theirs in three days ahead of me, that they got 18 it. It wasn't by the date, it was by the 19 deadline.</p> <p>20 Q. Sure, sure. How many times when you 21 were working on the third watch in Fugitive 22 Apprehension are you alleging that you put in 23 overtime requests on the time and individuals 24 with less seniority than you got the overtime</p>	<p>1 work on your days off?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And who would control whether 4 you got to do that?</p> <p>5 A. Well, it was the U.S. Marshal's 6 program.</p> <p>7 Q. Okay.</p> <p>8 A. So they would control it, I suppose.</p> <p>9 Q. Okay. So you'd put in your request for 10 VRI to the U.S. Marshals?</p> <p>11 A. No. To the secretary.</p> <p>12 Q. The secretary?</p> <p>13 A. Jan Hannah.</p> <p>14 Q. Okay. The secretary in Fugitive 15 Apprehension?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And are you alleging that 18 somehow Sergeant Mills retaliated against you in 19 connection with VRI?</p> <p>20 A. What I'm saying is he happened to be my 21 sergeant on that day we were working VRI. He 22 put in to work on his day off, as well.</p> <p>23 Q. Okay. I see.</p> <p>24 A. And while we were working for the VRI</p>
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<p>1 and you didn't?</p> <p>2 A. I'm not --</p> <p>3 Q. How many times did that happen, if at 4 all?</p> <p>5 A. I'm not alleging that at all.</p> <p>6 Q. Okay, fair enough.</p> <p>7 Okay. You were testifying something 8 about VRI?</p> <p>9 A. Yes.</p> <p>10 Q. What was the point of that?</p> <p>11 A. So we were -- we were working that one 12 day on VRI, which was around March or April. It 13 ended up being the last day that I would -- 14 maybe the beginning of March. It would end up 15 being the last day that I would put in for VRI, 16 because Sergeant Mills was very, very hard, very 17 retaliatory that day.</p> <p>18 Q. Can you explain what VRI is?</p> <p>19 A. Violent reduction initiative.</p> <p>20 Q. Okay.</p> <p>21 A. And it's funded by the U.S. Marshals 22 for people who are assigned to the U.S. Marshals 23 Apprehension unit to work on their days off.</p> <p>24 Q. So you're saying at times you put in to</p>	<p>1 program on our day off, Sergeant Mills was 2 working on his day off and was our supervisor.</p> <p>3 Q. I see.</p> <p>4 A. It was on a Sunday.</p> <p>5 Q. Okay.</p> <p>6 A. After we worked this overtime, okay, we 7 had -- we had been assigned to work in a South 8 Side district with Kevin Williams, Larry Odem, 9 multiple people. And you got assigned wherever 10 you got assigned and we were under Sergeant 11 Mills for that day.</p> <p>12 Q. Sure.</p> <p>13 A. And on previous occasions, Sergeant 14 Mills had said, you know, this is federally 15 allocated money and we're in Fugitives. So all 16 of our cases are Fugitive Apprehension related.</p> <p>17 Q. Okay.</p> <p>18 A. It's not like we're coming over from 19 Bomb and Arson where we can't work our cases. 20 If you have a fugitive that wants to turn 21 themselves in or somebody that you can pick up 22 on your regular case, we would get a list of 23 other cases. He said, we're going to get him 24 because you're getting paid time and a half on</p>

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<p style="text-align: right;">Page 285</p> <p>1 federal money and it's still a -- it falls under 2 the Marshal's guidelines. 3 So if it wasn't on your assignment list 4 but it was an assignment -- 5 Q. Is he telling you this on the day that 6 you're working the Sunday, the VRI -- 7 A. Yes. 8 Q. -- where you're under his supervision? 9 A. No. He told us this previously -- 10 Q. Previously? 11 A. -- when we were under his supervision. 12 Q. Okay. 13 A. And subsequently after that, it had -- 14 that is -- he instructed us that and he never 15 instructed us that it ever change. 16 Q. Okay. On this Sunday when you're 17 working under his supervision, are you alleging 18 that there was some sort of retaliation? 19 A. Yes. 20 Q. What was the retaliation? 21 A. Okay. When we first arrived to work, 22 one of Danny Echeverria's wanted subjects, who 23 was going to turn themselves in the night 24 before, had called and said I couldn't make it</p>	<p style="text-align: right;">Page 287</p> <p>1 A. Called screaming, yelling, what the 2 fuck are you doing over there in this 11th 3 District. You're supposed to be in the 4 4th District. You're misappropriating federal 5 funds, blah, blah, blah, blah. I said, Serge -- 6 Q. This is a telephone conversation? 7 A. Yes. 8 Q. Okay. 9 A. I said, Serge, I said, you are the one 10 who directed us to do this previously. 11 Q. Okay. 12 A. Everybody -- everyone does this. 13 Q. Okay. 14 A. No, you know, and I -- he started to 15 just really yell. And I said, well, you know 16 what, this is Danny's case, I think you'll need 17 to talk to Danny. 18 Q. Okay. 19 A. And then he talked to Danny and, you 20 know, I can hear from Danny's end of the 21 conversation, it was the same thing, it was no 22 better. 23 Q. Okay. 24 A. Danny hung up the phone, we got in the</p>
<p style="text-align: right;">Page 286</p> <p>1 but you can come pick me up now. We were 2 reporting to work in the 11th District out of 3 the 11th District that day, and this person was 4 right down the street in the 11th District. 5 Q. Okay. 6 A. So based on the fact that Sergeant 7 Mills had told us that while we're working this 8 program, that as long as it is a Fugitive 9 Apprehension case, you can work it. 10 Q. Okay. 11 A. Because it's still fugitives. 12 Q. Okay. 13 A. So we went in to -- we went to pick the 14 offender up who said, come and get me. I'm 15 wanted, come and get me. Processed that 16 offender, we sent Sergeant Mills that 17 information. 18 Q. Okay. 19 A. And then we proceeded to our area that 20 we were assigned to for that day, which was the 21 4th District. 22 Q. Okay. 23 A. Sergeant Mills lost his mind. 24 Q. Okay.</p>	<p style="text-align: right;">Page 288</p> <p>1 car. He said, I don't know what he's losing his 2 mind about. He's absolutely -- Danny said, he's 3 hostile, and I don't -- we're doing our job, we 4 made the arrest. 5 Q. Sure. 6 A. So we went up there, we went to do our 7 sheet to go look for people. After our tour was 8 over, Sergeant Mills sent us a text telling us 9 to report back to him in the 11th District, 10 which we normally would anyway. But then he 11 called us in to the secretary's office and shut 12 the door. 13 Q. Okay. 14 A. I believe it was the secretary's office 15 in the Fugitive Apprehension unit in the 11th 16 District. 17 Q. Okay. 18 A. And, you know, in one of those offices. 19 And he just said that, you know, I don't know 20 what the hell you think you're doing, you guys 21 just go out there and do whatever you the fuck 22 you want to do. 23 And Danny says, well, wait a minute. 24 You've got all these other officers here that</p>

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<p style="text-align: right;">Page 289</p> <p>1 are doing exactly the same different -- as the 2 same thing, why is our arrests treated 3 differently than anybody else's. Don't worry 4 about what I do with other people. Because 5 Danny specifically named officers. Well, what 6 about this officer, and what about this officer. 7 How dare you bring up other officers. 8       Danny said, I'm not bringing them up, 9 I'm questioning why you are treating us 10 differently than you'd treat these officers. 11       Q. Do you recall which officers Officer 12 Echeverria brought up in the meeting? 13       A. I recall that it was -- his name will 14 come to me. Lopez, Joe Lopez. 15       Q. Okay. 16       A. And I don't know if it's -- I can't 17 recall the other ones. 18       Q. Okay. 19       A. Okay. So -- 20       Q. Do you think he brought up other 21 officers' names and you can't recall or the only 22 one you recall is Joe Lopez? 23       A. Well, the only one I recall is Joe -- I 24 remember him specifically saying Joe Lopez.</p>	<p style="text-align: right;">Page 291</p> <p>1 that he dropped the paper or it was the day 2 before or another day. 3       But he said that Chris -- he told me 4 that Chris Dingle dropped paper on me because 5 another sergeant walked in, Sergeant Mason 6 walked and said to Chris Dingle, hey, have you 7 seen your sergeant today yet, you're working for 8 Sergeant Barnes. And he said, no, I haven't -- 9 not today, do you want me to call him. And 10 Mason said, well, it's 6:30, he's sleeping off 11 somewhere, he'll get here when he gets here. 12       Okay. So little bit -- this is what 13 happened in this meeting. I'm telling Sergeant 14 Mills this. 15       Q. You're telling Sergeant Mills about 16 this? 17       A. Yes. 18       Q. Okay. 19       A. So then I said, then -- all I said to 20 Chris was, well, that was the one good thing 21 about working on Barnes' team is that, you know, 22 you get your cases, you know, you go work your 23 cases, you're treated like an adult. You go 24 out, you work it, you know, Sergeant Barnes is</p>
<p style="text-align: right;">Page 290</p> <p>1       Q. Okay. 2       A. Okay. 3       Q. What else is said in this meeting with 4 Sergeant Mills? 5       A. Well, Sergeant Mills once again 6 reiterates the whole thing about, I don't know 7 why the fuck they left you in this unit, you 8 shouldn't have been left here, you know. 9       He told me, in fact, Chris Dingle 10 dropped paper on you this morning. And I said, 11 dropped paper on me this morning? Meaning did a 12 report. He said because of your comments about 13 Barnes. I said, what comments are you referring 14 to? He said, I don't know, you tell me. And I 15 said, do you want to know what the conversation 16 was? And he said, yeah, why don't you tell me. 17       I said at 6:00 when we start, we're 18 sitting here at our desk, Danny is sitting here. 19 There's about five of us. Chris Dingle sitting 20 there next to whoever. Oh, this is another 21 time. He says, Chris Dingle even dropped paper 22 on you. I don't know if it was that day. 23       Q. Okay. 24       A. Yeah, I don't know if it was that day</p>	<p style="text-align: right;">Page 292</p> <p>1 not hovering over you every minute, what are you 2 doing. That was my comment, along those lines. 3       Q. Sure. 4       A. That wasn't my exact wording. 5       Q. Sure. 6       A. So how in the hell are you going to 7 drop paper on me for a negative comment? And 8 Danny says, drop paper on her? If anything, why 9 don't you drop paper on Sergeant Barnes for not 10 being here when he's being paid by the Fugitive 11 Apprehension U.S. Marshals or Sergeant Mason for 12 not reporting him? 13       Q. Okay. But to your understanding, Chris 14 Dingle is the one that dropped paper on you? 15       A. That's what he told me. 16       Q. Back to your conversation with Sergeant 17 Mills. Do you recall anything else being said 18 in that conversation? 19       A. Yeah. He continued to say that people 20 don't want you in the car, we don't know if 21 you're -- you know, they think that you're 22 recording them. For all we know, you could 23 still be -- how do we know you're not working 24 with IAD? You could be working with them and</p>

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1 recording us now. I said -- 2 Q. Okay. 3 A. -- I could be, you know. Okay, you 4 know, you could be. But if I was, I couldn't 5 tell you that anyway. But you could be. For 6 all I know, you are. 7 Q. Okay. 8 A. But who cares. I mean, what does that 9 have to do with anything, you know? 10 Q. Do you recall anything else being said 11 in that conversation? 12 A. Yeah. He said we weren't going to be 13 backed up and the team doesn't like us and he 14 doesn't know why we're there, he doesn't know 15 why we leave, he doesn't know how we're going to 16 have a career when this is over. 17 He said, do you know what the fuck is 18 going to happen to you when this is over? I 19 said, I know what's not going to happen. You're 20 not going to continue to retaliate against me. 21 Q. Okay. 22 A. And then I said, you have kept us here 23 an hour and a half past the time I'm supposed to 24 get off. Unless you're going to pay me, I'm	Page 293 1 the unit. 2 Q. Let me just stop you for a second. I 3 know you're about to testify about another 4 incident. My question is other than what you've 5 testified to so far, is there anything else that 6 you are claiming that was retaliation against 7 you by Sergeant Mills? 8 A. Yes. 9 Q. What else? 10 A. I after -- and every one of these are 11 going to intertwine into another incident, 12 another incident, so you -- 13 Q. Okay. 14 A. Okay. So in July the day that 15 Commander O'Grady banned me from coming into the 16 building after Lieutenant Cesario had that 17 meeting with me and Mills present, I went 18 outside and I was so distraught and so shaken up 19 that I called Sergeant Mills and said, can you 20 meet, I need to talk to you. So we went -- he 21 told us to meet him in the parking lot over at 22 Fugitives up on the roof. 23 So Danny, Sergeant Mills and I got out 24 of our vehicle. It was summertime and we were
1 leaving. 2 Q. Okay. And did you leave? 3 A. He said, okay, I'm done here. I'm not 4 going to stop you. 5 Q. Okay. 6 A. And I left. 7 Q. Okay. And I think you were testifying 8 that this was shortly before you went out on 9 medical leave, that incident? 10 A. Yeah. It was somewhere shortly before 11 that. 12 Q. Okay. 13 A. You know, within a month or two or 14 sooner. 15 Q. Okay. Do you recall how soon that was 16 before you went out on medical leave? 17 A. I could tell you that incident 18 happened -- after that incident happened, about 19 a week later, IAD supervisor Mike Barz and -- 20 Sergeant Mike Barz and Sergeant -- and Sergeant 21 Moscolino, I don't know his first name. Robert 22 Moscolino, came up to the unit. 23 Q. Okay. 24 A. I had received a -- no. I walked into	Page 294 1 out there. And I said to Sergeant Mills, you 2 know, what just happened in there? I mean, I 3 don't understand that. How can you ban an 4 officer in good standing out of a building that 5 they're assigned to? I don't understand how you 6 can do that. 7 He said, you know, I don't know, I 8 don't know what the fuck is wrong with that 9 lieutenant or the commander. I was here when 10 O'Grady called in to Commander Salemme, he said, 11 and then Commander Salemme came in and told 12 Cesario, I want you to talk to her, have a 13 meeting with her. You're to tell her she's to 14 stay the fuck out of that building, we're 15 banning her from the building, blah, blah, blah, 16 blah, blah. 17 Q. You're telling me that Sergeant Mills 18 told you he heard what O'Grady said to Salemme 19 and then Salemme said to Cesario, is that what 20 you're saying? 21 A. No. I'm telling -- he said he was at 22 work when Commander O'Grady called Salemme and 23 then Salemme came into -- and then Salemme went 24 to Cesario and said -- you've got to remember,

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<p>1 it's one big office and then there's a door.      2 Q. I understand.      3 A. And then Salemme said -- he told -- he      4 instructed Cesario to have a meeting with me and      5 ban me from the building.      6 He said, after that, I went to      7 Lieutenant Cesario and I said, listen,      8 Lieutenant, I don't think you can legally ban      9 her from that building. I said, I thought I      10 questioned on my level, he said, and they put me      11 in a compromising position. Because at this      12 point, I've got nothing I can do if this ends up      13 in a federal lawsuit except testify and tell the      14 truth that that's what the fuck they did.      15 But I'm going to tell you this much.      16 You need to be very concerned. Commander      17 O'Grady hates you so much that if he could pop      18 you off, meaning shoot you, across the parking      19 lot while you're walking to or from your car to      20 work, he's going to take that shot. So I advise      21 you, you need to wear your vest.      22 Q. Sergeant Mills told you this?      23 A. Sergeant Mills told me that.      24 Q. Okay.</p>	<p>Page 297      1 the lawsuit.      2 Q. Okay.      3 A. The day that Commander O'Grady banned      4 me from the building, whatever day that was,      5 July or whatever, 2011.      6 Q. Let's -- why don't we look at      7 Paragraph 90 of the Amended Complaint. You      8 allege that Defendant Commander O'Grady banned      9 you from the Chicago Police Headquarters at      10 Homan Square where you were assigned a locker.      11 How did you come to know that O'Grady      12 so-called banned you from that facility?      13 A. Sergeant Mills told me and Lieutenant      14 Cesario told me in that meeting that we just      15 discussed.      16 Q. Okay. I'm sorry, just so I'm clear.      17 There was a meeting with just you and Mills and      18 Cesario?      19 A. Correct.      20 Q. And was the only subject of that      21 meeting this alleged ban of you -- how did that      22 meeting -- how were you told to meet with them      23 about that subject?      24 A. Sergeant Mills called me and he said,</p>
<p>Page 298      1 A. I was so distraught and so upset. I      2 took time off until I went on vacation, however      3 many days that was. And I told Sergeant Mills,      4 how can you stand here and tell me, knowing all      5 of this, and you don't initiate any action      6 against these supervisors for doing this. How      7 can you stand here and tell me this?      8 You are mandated to get a CR number.      9 You come from IAD, you know this. You're      10 supposed to take some kind of action on my      11 behalf.      12 Q. Okay.      13 A. And he said, you know what, just put      14 your time due slips in, don't worry about all of      15 this. By the time you get back from furlough,      16 maybe things will resolve themselves. He would      17 not take any supervisor action to protect me at      18 all. Nothing. You're going to stand on the      19 rooftop and tell me that that's what you're      20 going to do?      21 Q. And this rooftop conversation was      22 shortly before you went on furlough and then      23 medical leave, correct?      24 A. No. This was in July before I filed</p>	<p>Page 300      1 hey, where are you at. I said, Danny and I are      2 in the car. We already left to get our      3 subjects, our offenders.      4 Q. Okay.      5 A. He said, well, can you come back in,      6 the lieutenant wants to meet with you.      7 Q. Okay.      8 A. So I told Danny in the car, here we go      9 again. But when I walked in that day, I sent      10 Danny a text. I said, something's in the air.      11 Because when I walked in, the commander and the      12 lieutenant were standing there waiting for me      13 and they were just -- the lieutenant's veins      14 were popping in his neck. And the way they      15 looked at me, and the way they glared at me and      16 the tension in the air, I became extremely      17 nervous --      18 Q. Okay.      19 A. -- because this is going on constantly,      20 so I know that something is going to happen.      21 It's just walking in behind enemy lines. So I      22 text Danny. Now Mills calls me in and says, the      23 lieutenant wants to talk to me. So now I'm      24 extremely nervous because I know that --</p>

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1 Q. Okay.	1 for all I know, you know.
2 A. -- something terribly negative is going	2 Q. Okay.
3 to happen.	3 A. Yes. But you're assigned to 189,
4 Q. And at that point, you don't know what	4 detailed to Fugitives.
5 the meeting is about?	5 Q. Okay.
6 A. I have no idea. But all kinds of	6 A. So instead of assignment, detailed.
7 things are happening that shouldn't be	7 And so --
8 happening.	8 Q. In your detail to Fugitive
9 Q. Okay. Did you call Officer Echeverria?	9 Apprehension, you weren't -- your work location
10 A. I asked if I could -- we were together.	10 was not Homan Square, correct?
11 We both walked in.	11 A. No. We moved out of Homan. It was at
12 Q. Okay.	12 Homan Square for part of the time up on the
13 A. And I said, can I have a witness in	13 fifth floor.
14 this meeting and they said, no, you can't. Only	14 Q. Okay.
15 Lieutenant Cesario can.	15 A. And then we moved out and we had just
16 Q. Okay. So who's in the meeting?	16 moved into the 11th District.
17 A. Lieutenant Cesario, Sergeant Mills and	17 Q. Okay. So at the time that you had this
18 me.	18 meeting with Cesario and Mills, your work
19 Q. And what is said in this meeting that	19 location was no longer Homan Square, correct?
20 you're basing your allegation in Paragraph 90?	20 A. Correct.
21 A. Lieutenant Cesario said, what did you	21 Q. Okay. What else, other than what
22 do before work today. Could you be a little	22 you've testified to, do you recall being said in
23 more specific? Like what did you do before	23 this meeting with Cesario and Mills?
24 work. Did you go over to Homan Square. I said,	24 A. He said, I strongly -- Lieutenant
Page 302	Page 304
1 yes, I did. What are you -- what the -- what	1 Cesario said, I strongly encourage you for your
2 are you doing in that building? I said, I'm	2 own benefit that you do not go back into that
3 assigned to that building, I don't understand	3 building. You be advised that you are banned
4 where this is coming from.	4 from that building.
5 Q. Okay.	5 Q. Okay. Do you recall anything else
6 A. Did you see Commander O'Grady in there?	6 being said in that meeting?
7 No, I never saw Commander O'Grady in there.	7 A. It was a little bit longer meeting than
8 Q. Okay.	8 that so I'm sure that there was more that I just
9 A. You know, he said, well -- he said,	9 can't recall at this moment.
10 Commander O'Grady doesn't want you in that	10 Q. Okay. If you look at your Complaint,
11 building.	11 Paragraph 89, you say, on August 17th, Sergeant
12 Q. Okay.	12 Watts and Officer Mohammed pled guilty. And
13 A. He doesn't want you going in that	13 then in Paragraph 90, you say around the same
14 facility. I said, it's a facility that has a	14 time, Defendant O'Grady banned you from Homan
15 gym that is open to all officers in good	15 Square.
16 standing. Anybody can go in there, use the	16 Do you have a recollection of whether
17 washroom, you know, park your car there. I'm	17 this alleged banning was after August 17, 2012?
18 assigned there anyway, you know.	18 A. No. I thought it was closer to July.
19 Q. And when you say you're assigned there,	19 Q. Okay. Are you sure of when it was?
20 you had a locker there, correct?	20 A. No.
21 A. At one point I had a locker there, I	21 Q. It could have been July, it could have
22 don't know if I still had the locker.	22 been August?
23 Q. Okay.	23 A. Yeah. I'm basing it on the fact that I
24 A. I could still have a locker there now,	24 took time off until I went on vacation. And I

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<p style="text-align: right;">Page 305</p> <p>1 always took vacation in July, so I could be 2 wrong. 3 Q. Okay. 4 A. But I don't have those records. 5 Q. Okay. And after that Homan Square 6 incident, is it your testimony that you shortly 7 thereafter took vacation or furlough and then 8 went right into medical leave? 9 A. No. 10 Q. Okay. 11 A. I took time off using my comp time. 12 Q. Okay. 13 A. And I went on my assigned scheduled 14 furlough that I picked the previous November. 15 Q. Okay. 16 A. I believe that it was -- that's when 17 the incident occurred. 18 Q. Okay. 19 A. To the best of my recollection. 20 Q. Okay. I think where we were in this 21 whole thing, I was asking you if there was 22 anything else that Sergeant Mills did that you 23 believe was retaliatory. 24 You've told me about a lot of things.</p>	<p style="text-align: right;">Page 307</p> <p>1 A. So I was afraid. 2 Q. Did you, in fact, go to Homan Square on 3 that occasion? 4 A. On the day that Sergeant Mills said, 5 you guys need to go there now and pick it up, I 6 did follow his order. 7 Q. Okay. And you didn't have any problem 8 that day when you went there and picked up your 9 star or whatever you needed to pick up? 10 A. No. Because everybody was gone. We 11 went there at night when it was closed up. 12 Q. Okay. 13 (Whereupon, Spalding Deposition 14 Exhibit No. 6 was marked for 15 identification.) 16 BY MR. KING: 17 Q. Officer Spalding, I'm showing you 18 what's been marked as Deposition Exhibit No. 6 19 and ask you to take a look at these. And we can 20 actually just take this page by page. 21 So if you take a look at the first page 22 of Exhibit 6, which indicates it's a Portfolio 23 Report. The subject is you, Shannon Spalding, 24 created by Thomas Mills. Have you ever seen</p>
<p style="text-align: right;">Page 306</p> <p>1 Is there anything else that you're alleging that 2 Sergeant Mills did that was retaliatory? 3 A. There were things that occurred on a 4 daily basis almost and I just at this point 5 can't recall anything further specific at this 6 time. 7 Q. Okay. After you found out that 8 Commander O'Grady didn't want you in Homan 9 Square, did you make any further attempts to go 10 in the Homan Square building before you went out 11 on medical leave? 12 A. I only went there one other time when I 13 was told, given an instruction by Sergeant Mills 14 that I had to go in there because we were issued 15 new stars or badges or something. 16 Q. Sure. 17 A. And that's where we had to go pick them 18 up. And I even told them, Sergeant Mills that I 19 did not want to go into that building without a 20 supervisor escorting me. 21 Q. Okay. 22 A. Because Commander O'Grady had made 23 comments to other officers I would be arrested. 24 Q. Okay.</p>	<p style="text-align: right;">Page 308</p> <p>1 this first page of Exhibit 6 before? 2 A. No. 3 Q. Okay. In the report, Sergeant Mills 4 indicates that he checked the activity of the 5 team and the involved member had low arrest 6 numbers for the time period of January 13, 2001 7 to February 13, 2001. The involved member 8 worked 14 days and had only 2 arrests. 9 As you sit here, do you know if that 10 was correct in terms of your arrest activity 11 during that period? 12 A. I have no idea to know if it's correct. 13 Q. Okay. But you don't recall ever 14 seeing -- well, strike that. 15 Sergeant Mills goes on to say that he 16 will provide the involved member with his 17 activity report. Do you -- did Sergeant Mills 18 regularly provide you with Activity Reports? 19 A. After we started -- after we filed the 20 lawsuit, he began to retaliate against us with 21 activity. 22 MR. KING: Okay. I move to strike that 23 response as nonresponsive. 24</p>

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<p>1 BY MR. KING:</p> <p>2 Q. Did Sergeant Mills regularly provide 3 you with Activity Reports on your activity?</p> <p>4 A. Not regularly, no.</p> <p>5 Q. Okay. If you take a look at the second 6 page of Exhibit 6. It indicates, again, it's a 7 Portfolio Report created by Sergeant Mills and 8 you are the subject. Do you recall ever seeing 9 this document?</p> <p>10 A. I never saw any of these documents 11 before.</p> <p>12 Q. Okay. Well, he writes that he spoke 13 with the involved member on March 19, 2013 about 14 spending excessive time in the Unit 606. I 15 believe you testified to this, perhaps.</p> <p>16 Do you recall that Sergeant Mills would 17 tell you that he felt that you were spending 18 excessive time in the unit and should be out on 19 the streets?</p> <p>20 A. I recall that he did not word it that 21 way. I recall him saying that we should not be 22 in the building, that we, specifically us, 23 should not be in the building and that we should 24 not come in until 11:30.</p>	<p>Page 309</p> <p>1 incident may or may not have been on what's 2 documented in this Portfolio Report?</p> <p>3 A. It was close to that time.</p> <p>4 Q. Okay.</p> <p>5 A. It is more than likely this incident.</p> <p>6 Q. Okay. If you look at the third page, 7 it indicates another Portfolio Report on -- the 8 subject is you, created by Sergeant Mills.</p> <p>9 This is the incident that you 10 previously testified to, correct? That you made 11 an arrest in the 11th District when you were not 12 assigned to the 11th District, correct?</p> <p>13 A. This is on the VRI program that I was 14 telling you about, yes.</p> <p>15 Q. Okay. The next page, another Portfolio 16 Report dated March 24, 2013 says, the involved 17 member failed to make any arrests from the dates 18 of 19 March 2013 until 23 March 2013.</p> <p>19 As you sit here, do you know whether 20 that's, in fact, correct or not?</p> <p>21 A. I don't know if those -- if that 22 information is correct or not.</p> <p>23 Q. Okay.</p> <p>24</p>
<p>1 Q. Okay.</p> <p>2 A. And that was his conversation.</p> <p>3 Q. Okay. As you sit here, do you know 4 whether, in fact, he spoke to you on March 19, 5 2013 about spending excessive time in the unit?</p> <p>6 A. I know that -- I can't say that it was 7 March 19th, but I can say that one day we left 8 and we did return a couple of hours later 9 because my partner, Officer Echeverria, who had 10 recently been hospitalized and everything, was 11 feeling really ill and wasn't going to be able 12 to remain on the street.</p> <p>13 Q. Okay.</p> <p>14 A. But before we could even get a chance 15 to tell him why we were back in the unit, he 16 became very irate and exploded verbally at us 17 screaming at us what were we doing back in the 18 unit and why aren't we out on the street.</p> <p>19 Q. Okay.</p> <p>20 A. And at that point, Danny decided not to 21 tell him anything. And I let him finish his 22 rant and then said that he was sick and couldn't 23 continue to work.</p> <p>24 Q. Okay. And as far as you know, that</p>	<p>Page 310</p> <p>1 (Whereupon, Spalding Deposition 2 Exhibit No. 7 was marked for 3 identification.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Officer Spalding, I'm showing you 6 another group of documents that's marked as 7 Deposition Exhibit No. 7. And I'll just try to 8 identify them and I'll ask you if you've ever 9 seen these reports before.</p> <p>10 They appear to be Officer Activity 11 Reports for you, Shannon Spalding, between 12 6/20/2012 and 4/30/2013. Do you recall seeing 13 these documents before or Activity Reports like 14 this?</p> <p>15 A. I have seen Activity Reports, but I 16 don't know if they were exactly these same 17 reports.</p> <p>18 Q. Okay.</p> <p>19 A. Where are you seeing the dates? Okay.</p> <p>20 Q. And the arrest totals that are listed 21 in Deposition Exhibit 7, you have no basis for 22 knowing whether they're correct or incorrect?</p> <p>23 Let me strike that. That's a bad question.</p> <p>24 Do you know whether the arrest activity</p>

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<p style="text-align: right;">Page 313</p> <p>1 that's reflected in Deposition 7 is correct or 2 incorrect? 3     A. I have no way of knowing that. 4     Q. Okay. 5             (Whereupon, Spalding Deposition 6             Exhibit No. 8 was marked for 7             identification.) 8 BY MR. KING: 9     Q. Officer Spalding, I'm showing you 10 another document that's been marked Deposition 11 Exhibit No. 8, which indicates anyway that it is 12 a report listing of arrests for Shannon Spalding 13 for January 1, 2013 until the end of the year, 14 December 31, 2013. 15     Are you able to tell me whether or not 16 these arrest reports are correct or incorrect? 17     A. I have no idea. I've never even seen 18 this report before. 19     Q. Okay. You've never seen this report? 20     A. No. 21     Q. Okay. That's fine. 22         If you'll direct your attention to 23 Paragraph 104 of the Complaint, Deposition 24 Exhibit No. 1, and Paragraph 105 and 106. My</p>	<p style="text-align: right;">Page 315</p> <p>1 anyone about the subject of you recording 2 conversations with Sergeant Mills or Sergeant 3 Mills' belief that you were recording 4 conversations with him? 5     A. Only in regards to a CR number with 6 IAD. 7     Q. Okay. Who -- 8     A. It was more -- yeah, a discussion. I 9 wouldn't say a discussion. 10    Q. Okay. Who did you have a discussion 11 with that related to either recording 12 conversations with Sergeant Mills or his belief 13 that you were recording conversations? 14    A. I didn't have a discussion, I was 15 working in -- I reported to work, along with 16 Officer Echeverria, shortly before I went on the 17 medical. 18    Q. Okay. 19    A. And Sergeant Mills stated that two 20 people of the team, Sergeant Steve -- or I'm 21 sorry, Detective Steve Becker and that Roxanne 22 Blarcheck would be in the unit late and that him 23 and the rest of the team were going north. And 24 that he -- and ironically after telling us to be</p>
<p style="text-align: right;">Page 314</p> <p>1 question is this is the incident that you 2 previously testified to, correct? 3     A. Correct. 4     Q. Okay. You mentioned something about 5 secretly recording conversations. Was there 6 some point when you were secretly recording -- 7         MR. SMITH: Objection to the form of 8 the question. 9         MR. KING: Okay. I don't need -- I 10 don't need to allude to the prior question. 11 I'll just ask you. 12 BY MR. KING: 13     Q. Was there any point where you were 14 secretly recording any conversations that you 15 were having with Sergeant Mills? 16     A. No. 17     Q. Okay. Is it your understanding that at 18 some point Sergeant Mills was under the 19 impression that you were recording conversations 20 with him? 21     A. I don't know what Sergeant Mills' 22 impression was of anything. 23     Q. Okay. You never had a -- strike that. 24         Did you ever have a conversation with</p>	<p style="text-align: right;">Page 316</p> <p>1 out on the street more, instructed Danny and I 2 to stay inside the building. 3     Q. Okay. 4     A. Okay. So we followed his instructions 5 and we didn't leave. 6     Q. Okay. 7     A. Shortly after Sergeant Mills left, 8 Sergeant Mike Barz and Sergeant Robert Moscolino 9 from IAD confidential section, approached me. 10 Now, Sergeant Mike Barz was a sergeant involved 11 with Operation Brass Tax with the Ronald Watts 12 situation. 13     Q. Yes. 14     A. So at first when I saw them, I thought 15 that he was coming to talk to us with something 16 with the operation -- 17     Q. Sure. 18     A. -- because that has happened in the 19 past. 20     Q. Okay. 21     A. So when he approached me, he said to 22 me -- I said, oh, hey, you know, Serge, what's 23 going on. Do you need to talk to us about the 24 Watts case? And he said, no. If I told you</p>

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<p style="text-align: right;">Page 317</p> <p>1 that you were under arrest right now, are you 2 going to come with me peacefully or not. 3 Q. Sergeant Barz said this? 4 A. Yes. Yes, he did. 5 Q. Okay. And then what else was said? 6 A. I said, no. He said, okay, then we're 7 going to fucking do this here. And he said, get 8 up. And him and the other sergeant escorted me 9 into a room and shut the door and put me between 10 some desks, one sat here, one stood there and I 11 was between two desks like this. 12 And he said, we have criminal federal 13 allegations that you are illegally recording. 14 And he said, these are allegations that you're 15 going to be arrested and charged for and will 16 lose your job over. This is serious. 17 Q. Okay. Did they say anything else in 18 this meeting? 19 A. They said a whole lot for whole long -- 20 a long time. 21 Q. Okay. Did they indicate who you were 22 alleged to be recording? 23 A. Yes. 24 Q. Who?</p>	<p style="text-align: right;">Page 319</p> <p>1 you've already testified to, what else was said 2 in this meeting? 3 A. He said -- I said, I need to know 4 specifically what are you asking me. He said, 5 that you were recording conversations. I said, 6 well, there's different versions of recording. 7 Are you referring to recording as writing down 8 and documenting or are you referring to like 9 tape-recording, video recording. He said, let's 10 just say using your cell phone or using a 11 recording device. 12 Q. Okay. 13 A. I said, no, you know, I have no idea 14 what are you talking about. 15 Q. Okay. 16 A. They continued to question me. And 17 then he said, I'll tell you what, he said, give 18 us your phone right now, which by the way they 19 had out of my reach, and we'll go through it. 20 We'll go through it right now. He goes, I'll 21 tell you what, I have an affidavit here for your 22 phone. I said, an affidavit? You better get a 23 fucking search warrant. 24 Q. Okay.</p>
<p style="text-align: right;">Page 318</p> <p>1 A. Sergeant Mills. 2 Q. Okay. What else was said in this 3 conversation? 4 A. He said to me that -- I said, well, 5 what are the charges? He said, you're not 6 allowed to know that at this time. I can't know 7 specifically what the charges are? He said, no, 8 not at this time, you cannot. 9 Q. By the way, was Officer Echeverria 10 present? 11 A. No, no. 12 Q. Okay. That's my only question. 13 A. Okay. 14 Q. Okay. What else was said in the 15 meeting? 16 A. I was going to tell you. Sorry. 17 As I was walking in the meeting, I was 18 able to get a text off that said, they're 19 arresting me, call our attorney. 20 Q. Okay. 21 A. To Danny Echeverria, okay. 22 Q. Okay. 23 A. But he was not in the room at any time. 24 Q. Okay. What else was -- other than what</p>	<p style="text-align: right;">Page 320</p> <p>1 A. Because now I'm in a corner. You've 2 got me trapped like a rat. 3 Q. Okay. 4 A. And you're alleging all of this stuff. 5 And I said, you want this phone? I said if I 6 walk out of this room without giving you this 7 phone, you will swear there's something 8 incriminating on it and I got rid of it. 9 So I'll tell you what, you can have 10 this phone, but I want you to call my lawyer or 11 let me call my lawyer. And as soon as my lawyer 12 gets here, you can go through the phone with his 13 permission. 14 Q. Okay. 15 A. And he said, okay. He said, all right. 16 Let me ask you something -- 17 Q. So he -- so Barz and Moscolino did not 18 go through your phone, correct? 19 A. No. 20 Q. Is that correct? 21 A. It is correct, they did not go through 22 the phone. 23 Q. Okay. They asked you if you were using 24 any kind of recording device to record Officer</p>

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<p>1 Mills. What was your answer to that?  2 A. No.  3 Q. Okay. What else was said in the  4 meeting?  5 A. He said -- okay. He said, we have a  6 Complaint here. He said, do you have any  7 knowledge of anybody that would be dropping  8 paper on you. And I immediately thought about  9 that whole last day that we walked -- worked VRI  10 and Mills saying, the people don't want to work  11 with you, they're dropping paper on you, in  12 fact, even Chris Dingle dropped paper on you.  13 So I said, well, Sergeant Mills had  14 mentioned last, and at the time, I knew the  15 date, I was able to say the date off the top of  16 my head, on such and such a date, it was a  17 Sunday we were working, Sergeant Mills had told  18 me that people were dropping paper on me.  19 He said, Sergeant Mills fucking told  20 you that? And I said, yeah. He said, why in  21 the fuck would Sergeant Mills give you a  22 heads-up and tell you that. I said, what are  23 you talking about? Like I said -- he said, why  24 would he tell you something like that? I said,</p>	<p>Page 321</p> <p>1 said that fucking might have been -- I could  2 have been listening to a saved voicemail, I  3 could have had Sergeant Mills on speakerphone.  4 Q. Sure.  5 A. You don't even know that it was  6 Sergeant fucking Mills. I said, are you kidding  7 me? You've got criminals like the rest of  8 Ronald Watts' team still out there not under  9 arrest for the crimes they've committed, and you  10 have this completely false made-up allegation  11 that you're going to detain me for and go to  12 prison for?  13 Q. Okay.  14 A. Okay. And then he said -- I said, did  15 you approach Sergeant Mills with this?  16 Q. Yes.  17 A. And he said, yes, Sergeant Mills is the  18 victim. I said, the victim? So you've already  19 made a final conclusion on this and you haven't  20 even done the investigation, so I'm already  21 guilty? And he said, well, of course, he's the  22 victim, so I did approach him.  23 Q. Okay.  24 A. And he said -- I said, you know what,</p>
<p>1 you'll have to go ask Sergeant Mills. And he  2 said, well -- he said, okay, with that being  3 said --  4 Q. Okay. Did you ever learn in that  5 meeting or any time after that, who had accused  6 you of secretly using a recording device with  7 Sergeant Mills?  8 A. Yes.  9 Q. Who did?  10 A. He said, with that being said, I will  11 now tell you Colleen Dugan along with -- no, I  12 think he just mentioned Colleen at the time, has  13 filed a CR number against you --  14 Q. Okay.  15 A. -- stating that on Monday, on such and  16 such a date on a Monday, she observed you in the  17 hallway with a recording device that she  18 believed could possibly be your cell phone and  19 she heard a man's voice coming from the cell  20 phone that she believed to be Sergeant Mills.  21 Q. Okay.  22 A. And she believed that it was a recorded  23 conversation. And I said, that's what you're  24 detaining me here for? And he said, yes. I</p>	<p>Page 322</p> <p>1 this is further fucking retaliation. Because  2 Sergeant Mills just told me in that VRI meeting  3 that people think that we might still be working  4 for IAD. And now you two IAD bosses come up  5 here and you pull me in here in front of all  6 these coworkers and you're detaining me in here  7 and you're just going to solidify their  8 thoughts.  9 Q. What coworkers were in the office when  10 Sergeant Barz and Sergeant Moscolino came and  11 took you in the room and interrogated you?  12 A. Multiple members of the Bomb and Arson  13 team.  14 Q. Okay.  15 A. Steve Becker, Roxanne Blarchek was  16 there. She walked out, she walked in. I don't  17 know if she was there at the exact moment,  18 because I was paying attention to them.  19 Q. That's fine.  20 A. Officer Echeverria. And I don't know  21 the names of the people from Bomb and Arson, but  22 they were there, as well.  23 Q. So Sergeant Barnes informed you that he  24 had shared this with Sergeant Mills?</p>

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1 A. Yes.	1 I'm so close.
2 Q. That there had been a Complaint that	2 Q. Okay.
3 you were secretly using a recording device	3 A. And he said, yeah, he said, we are
4 recording conversations with him; is that fair?	4 holding her, we do have her. I'm questioning
5 A. He said that he approached him because	5 her regarding these federal charges that I have.
6 he was the victim.	6 Q. Yes.
7 Q. Okay.	7 A. Mike Barz then continued and said, hey,
8 A. And I said, well --	8 listen, listen -- in front of me. He said
9 Q. Other than what you've already	9 listen, Dan, where are you at, you out of town?
10 testified to, do you recall anything else being	10 You're in Washington? We're going to see you
11 said in that meeting?	11 for the game on Saturday or whatever? Okay,
12 A. Yes.	12 I'll see you then. This is my attorney talking
13 Q. Okay. What else?	13 to the guy that's detaining me, okay.
14 A. I said, well, that's great. I said, I	14 Q. Okay.
15 have a rough enough time with this sergeant	15 A. So now I said -- he said, okay, he
16 already, okay, ever since this lawsuit was	16 said, listen, buddy, do my a favor, don't make
17 filed. I said, and now you're going to go to	17 this part of the retaliation in the lawsuit and
18 him and state this false allegation and make my	18 I'll make these charges disappear.
19 work situation 100 times worse.	19 Q. Who said that?
20 You guys worked with me on this	20 A. Mike Barz said that.
21 operation, you were supposed to help me and	21 Q. Okay.
22 protect me and instead you're make it 100 times	22 A. To Dan Herbert.
23 worse. And I said, now, what was Sergeant	23 Q. Okay.
24 Mills' reaction? He said, Sergeant Mills stated	24 A. And you're laughing.
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1 at no time did he have any knowledge nor did he	1 Q. I'm sorry. Go ahead.
2 believe that you have ever recorded him at any	2 A. Like it's a joke, like something like
3 time.	3 that is funny.
4 Q. Okay.	4 Q. I'm sorry. I apologize. I was not
5 A. He said that was Sergeant Mills'	5 laughing at you.
6 response. So I didn't make your sergeant think	6 A. Yeah, you were.
7 worse of you.	7 And then Mike Barz handed me the phone.
8 The conversation continued and I told	8 And my attorney said, don't say another word to
9 him, this is just further retaliation. This --	9 them. I said you're about 45 minutes too late.
10 you guys are coming after me. You know, this is	10 I want to get the fuck out of here, they're not
11 a fishing expedition because my conversation	11 letting me leave.
12 with the VRI. And I wouldn't elaborate on	12 Q. Okay.
13 anything. This is a fishing expedition because	13 A. So when he hung up, I said, am I free
14 I have a lawsuit filed and people are trying to	14 to go now? And Mike Barz said, no, not yet.
15 find out if I have recordings that are going to	15 Sit down.
16 surface in the lawsuit or not. I said, that's	16 Q. Okay.
17 all that this is.	17 A. He said, look, I'm sorry I came at you
18 Q. Okay.	18 the wrong way. I said, you're right. This
19 A. At some point in between this	19 could be perceived as retaliation.
20 conversation, my lawyer Dan Herbert at the	20 He said, you know what, I came here as
21 time called Mike Barz on his cell phone.	21 your friend. My intention was to give you a
22 Q. Okay.	22 heads-up and let you know that I know that these
23 A. And said, I understand you have her.	23 are false allegations and let you know that
24 And I could hear both sides of the -- because	24 these are not going to go anywhere. We know

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<p style="text-align: right;">Page 329</p> <p>1 that these are falls allegations. I came here 2 so that you would not be concerned about these 3 because we know that they're going nowhere, we 4 know they're false.</p> <p>5 Q. Okay.</p> <p>6 A. And he said and if you're having such a 7 hard time with everything, I'll tell you what, 8 isn't there a way to expedite this whole 9 situation and make it easier on you? I said, I 10 have no idea. Do you know of a way to expedite 11 a federal lawsuit? He said -- I said, oh, you 12 mean drop the lawsuit? And he said, if it makes 13 it easier.</p> <p>14 I said, I can't and I fucking won't. 15 Am I free to leave now? He said, no. He said, 16 do you have Sergeant Mills' phone number? And I 17 said, yeah. He said, call him. I said, no, you 18 call him. He said, give me his phone number. 19 He said, you are distraught and psychologically 20 not fit to go out for duty. He said, you are 21 too distraught, you are too historical and --</p> <p>22 Q. Sergeant Barz said this?</p> <p>23 A. Yes. He said -- I said, I wasn't 24 before you guys came and did all this to me for</p>	<p style="text-align: right;">Page 331</p> <p>1 McCarthy. He said, you have a great case. He 2 said, they should not have done that to you. 3 That was an arrest and it was completely 4 illegal. However, the problem is the people 5 that would discipline him and make sure that 6 this is corrected is Juan Rivera and you're 7 suing Juan Rivera.</p> <p>8 He said, in your best interest and for 9 safety reasons, you do have a benefit called 10 medical. And in your extreme situation, you can 11 go on medical because of the stress. It's a 12 stress leave. And I was unfamiliar with that. 13 Because I told him, I'm now to the point that I 14 can't even get in a car without shaking. I 15 don't know what's going to happen next.</p> <p>16 How can I go chase wanted offenders in 17 that condition? I'm jeopardizing my partner's 18 safety and I'm mentally not able to do this 19 anymore. And he said, for your own good, I 20 advise you not to. I came, we worked days, like 21 the next day on that Sunday. It was like a 22 Thursday. Friday I went to FOP. I worked days 23 on Saturday. Sunday Danny started furlough. I 24 put in time, too for two weeks. Half way</p>
<p style="text-align: right;">Page 330</p> <p>1 the last hour and something.</p> <p>2 Q. Okay.</p> <p>3 A. And he said, listen, this is going to 4 disappear. There's going to be no criminal 5 charges, we're going to make this disappear, 6 okay. He called Sergeant Mills and he said, I 7 am -- Sergeant Mills I want to inform you that 8 Officer Spalding is not fit for duty, she's too 9 distraught over this situation and I am sending 10 her home. She is not fit to work the streets.</p> <p>11 Q. Okay. Was that the last day that you 12 actually worked --</p> <p>13 A. No.</p> <p>14 Q. -- in Fugitive Apprehension?</p> <p>15 A. No. I worked I believe two more days.</p> <p>16 Q. Okay.</p> <p>17 A. But I changed my duty hours to days and 18 I went to FOP the next day to inform them that I 19 was detained, wasn't read my rights --</p> <p>20 Q. Okay.</p> <p>21 A. -- wasn't given the charges and wasn't 22 free to leave even after my attorney called and 23 when I requested my attorney to be called. And 24 I talked to a lawyer there at the time named</p>	<p style="text-align: right;">Page 332</p> <p>1 through that, I went to a therapist. I was just 2 so distraught and everything --</p> <p>3 Q. Okay.</p> <p>4 A. -- and then I went on the medical.</p> <p>5 Q. Okay. So after the incident with 6 Sergeant Barz, you worked -- well, the following 7 day, you went to FOP?</p> <p>8 A. Yes.</p> <p>9 Q. And you worked days?</p> <p>10 A. Yes, so I could go to FOP.</p> <p>11 Q. And you're saying there was one more 12 day that --</p> <p>13 A. I believe there was like one more day.</p> <p>14 Q. Okay. So after the incident with -- 15 well, after the incident with Sergeant Barz, did 16 you ever have a conversation with Sergeant Mills 17 about that incident?</p> <p>18 A. No, I never had a conversation with 19 Sergeant Mills about it.</p> <p>20 Q. Okay. And at the time of that incident 21 with Sergeant Barz, you had been reassigned from 22 nights to days at that point, correct?</p> <p>23 A. But I never got to work days because of 24 the incidents that occurred. I never ever</p>

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<p>1        worked one day on days.</p> <p>2        Q. Okay. But you had requested you and</p> <p>3        your partner to go back to days in Fugitive</p> <p>4        Apprehension and you were ultimately sent back</p> <p>5        to days with Sergeant Stack, correct?</p> <p>6        A. Yes.</p> <p>7        Q. Okay. But you actually never reported</p> <p>8        for duty on days with Sergeant Stack, correct?</p> <p>9        A. Correct.</p> <p>10      Q. Okay.</p> <p>11      MR. ECHEVERRIA: Do you want to take a</p> <p>12      break?</p> <p>13      MR. SMITH: Why don't we take a break.</p> <p>14      MR. KING: Yeah, why don't we take a</p> <p>15      break.</p> <p>16      (Whereupon, a short break was</p> <p>17      taken.)</p> <p>18      BY MR. KING:</p> <p>19      Q. Officer Spalding, am I correct that</p> <p>20      your allegations that Sergeant Barnes and</p> <p>21      Sergeant Mills engaged in some retaliation</p> <p>22      against you was all within the time period that</p> <p>23      you were assigned to Fugitive Apprehension?</p> <p>24      A. Correct.</p>	<p>Page 333</p> <p>1        great officers, you worked for me before. He</p> <p>2        said, I am about to start a night team; however,</p> <p>3        with your experience, your resource and your</p> <p>4        talents, I believe that it would be a waste to</p> <p>5        put you on the night team. I think you're</p> <p>6        better suited for the day team to work in</p> <p>7        fugitives with the U.S. Marshals on one of the</p> <p>8        teams. Right now, I don't have any openings to</p> <p>9        have you deputized.</p> <p>10      Q. Okay.</p> <p>11      A. However, when the openings come up, I</p> <p>12      will get you -- you will be deputized. He said,</p> <p>13      I'm not saying that you're better than the</p> <p>14      officers that will go on -- that will go on</p> <p>15      night, it's just at this point in your career,</p> <p>16      it's going to be a completely different concept.</p> <p>17      For you, it would be a glorified tact team and</p> <p>18      it would be a big step back in your career.</p> <p>19      Q. Okay. Let me ask it this way. Did you</p> <p>20      understand that in order to be deputized for the</p> <p>21      U.S. Marshals Task Force, your sergeant had to</p> <p>22      recommend you for deputization?</p> <p>23      A. No. I -- later on being -- after I</p> <p>24      have gotten -- at the time with Tom Barnes -- it</p>
<p>1        Q. And since you never reported to work</p> <p>2        with Sergeant Stack, I assume you're not</p> <p>3        alleging that Sergeant Stack retaliated against</p> <p>4        you in any fashion?</p> <p>5        A. Correct.</p> <p>6        Q. When you were in Fugitive Apprehension,</p> <p>7        did you have any understanding of what the</p> <p>8        process was for officers such as yourself to get</p> <p>9        recommended for the U.S. Marshal's Task Force?</p> <p>10      A. Prior to going to Fugitive</p> <p>11      Apprehension, we met with Chief Tom Barnes, as I</p> <p>12      stated earlier. During that time, we met with</p> <p>13      him to tell him what we were involved with with</p> <p>14      Operation Brass Tax since it had concluded.</p> <p>15      Because we wanted to lay all of the</p> <p>16      cards on the table and let him know that we're</p> <p>17      looking to go to a unit where there will be no</p> <p>18      further retaliation and nothing else like this</p> <p>19      will happen anymore.</p> <p>20      Q. Okay. Did he tell you about this</p> <p>21      process, is my question?</p> <p>22      A. Yes, yes.</p> <p>23      Q. Okay. And what did he say about it?</p> <p>24      A. What he said to us is, you two are</p>	<p>Page 334</p> <p>1        wasn't explained that way.</p> <p>2        Q. Okay.</p> <p>3        A. He said, I will -- you guys -- I will</p> <p>4        have you guys -- him, being the chief, I think</p> <p>5        he could recommend it.</p> <p>6        Q. Okay.</p> <p>7        A. But after being in Fugitives, on the</p> <p>8        night team, I did learn from Jan Hannah that</p> <p>9        when they picked the people to be deputized on</p> <p>10      that night team, that they did ask the</p> <p>11      sergeants; however, when I did ask Sergeant</p> <p>12      Mills about that --</p> <p>13      Q. Yes.</p> <p>14      A. -- he said that sergeants don't have</p> <p>15      anything to do with that.</p> <p>16      Q. Okay. Sergeant Mills told you</p> <p>17      sergeants don't have anything to do with</p> <p>18      recommending who gets deputized for the U.S.</p> <p>19      Marshal's Task Force?</p> <p>20      A. Yeah. He said with him -- that's what</p> <p>21      he said when we first got to the night team.</p> <p>22      But Jan Hannah told me later that that's not</p> <p>23      accurate.</p> <p>24      Q. Okay. To the best of your knowledge,</p>

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<p style="text-align: right;">Page 337</p> <p>1 did Sergeant Barnes or Sergeant Mills ever 2 recommend you and Officer Echeverria for the 3 U.S. Marshal's Task Force? 4 A. Well, I -- I don't -- I didn't even -- 5 when I was in Sergeant Barnes' team, I didn't 6 even have that information or know what it was, 7 so I would have no knowledge. 8 Q. Right. 9 A. And when I asked Sergeant Mills, he 10 said that he -- it wasn't done that way, so I 11 didn't even know. 12 Q. Okay. I assume that's a no? 13 A. No. 14 Q. To the best of your knowledge -- 15 A. No. 16 Q. -- you're not aware of Sergeant Barnes 17 or Sergeant mills recommending you for the U.S. 18 Marshal's Task Force, correct? 19 A. That's correct. 20 Q. Okay. And -- strike that. 21 So we've gotten to the point where you 22 go out on medical leave and you have talked 23 about certain people you complained to about 24 certain things.</p>	<p style="text-align: right;">Page 339</p> <p>1 THE WITNESS: Can you say that again? 2 I'm misunderstanding what you said. Am I what? 3 MR. KING: You can read back the 4 question to her. 5 THE WITNESS: Please. 6 (Whereupon, the record was read 7 as requested.) 8 THE WITNESS: No. As a -- he filed a 9 CR number? 10 (Whereupon, Spalding Deposition 11 Exhibit No. 9 was marked for 12 identification.) 13 BY MR. KING: 14 Q. Let me show you Deposition Exhibit 15 No. 9 and ask you to take a look at that 16 document. It's a Summary Report Digest of the 17 Chicago Police Department. Have you ever seen 18 this document before? 19 A. No, I've never seen this. Is this what 20 my attorney filed? 21 Q. If you look in the allegation section 22 on the first page, it says, the Complainant 23 Attorney Patrick Walsh alleged that at an 24 unknown date, time and location, Chicago Police</p>
<p style="text-align: right;">Page 338</p> <p>1 My question is, did you ever make any 2 Complaint in writing to anyone that you believed 3 you were retaliated against for working on 4 Operation Brass Tax? 5 A. That's not -- you usually talk to a 6 supervisor. No. 7 MR. KING: Okay. Can you read back the 8 question. 9 (Whereupon, the record was read 10 as requested.) 11 THE WITNESS: I don't believe I did. 12 BY MR. KING: 13 Q. Okay. Are you aware that your attorney 14 at the time Patrick Walsh made a Complaint on 15 your and Officer Echeverria's behalf that did 16 result in a CR number being issued? 17 A. No. 18 MR. SMITH: I'm going to object to the 19 form of the question, it assumes facts not in 20 evidence. 21 MR. KING: Well, let's see if we can 22 put it into evidence. 23 MR. SMITH: Complaints that are Civil 24 lawsuits, generate CRs automatically.</p>	<p style="text-align: right;">Page 340</p> <p>1 Officers you and Dan Echeverria were subjected 2 to retaliation from unknown Chicago Police 3 Officers because of their cooperation in an FBI 4 investigation that resulted in the arrest and 5 prosecution of Chicago Police Officers. 6 Is it your testimony that you're not 7 aware of your attorney -- 8 MR. SMITH: I'll object. This is 9 misleading as to the process of how these claims 10 are initiated. 11 MR. KING: Okay. 12 MR. SMITH: I'm going to ask for my 13 client to have a minute to read -- review the 14 materials. 15 MR. KING: Sure. 16 THE WITNESS: I can't even see the 17 materials. Can I talk to you for a minute? 18 MR. SMITH: Can we take a break now or 19 do you want her to finish answering this 20 question? 21 MR. KING: And I don't want to ask an 22 unfair question. I'm not trying to do that. 23 Let me try to ask a better question. 24 THE WITNESS: Well, if you could read</p>

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<p style="text-align: right;">Page 341</p> <p>1 this whole thing. My eyes are so blurry from 2 all this crying. If you want to read that to 3 me, then I can answer your question.</p> <p>4 BY MR. KING:</p> <p>5 Q. Let me ask it this way. Are you aware 6 that at some point after you filed your lawsuit, 7 there was a CR number that was opened relating 8 to your allegations of retaliation?</p> <p>9 A. No. This is the first I'm hearing of 10 it.</p> <p>11 Q. Okay. Do you -- so you don't recall 12 having to make a decision at some point if you 13 wanted to pursue the CR or you just pursued your 14 lawsuit?</p> <p>15 A. No, never.</p> <p>16 Q. Okay. Fair enough.</p> <p>17 (Whereupon, Spalding Deposition 18 Exhibit No. 10 was marked for 19 identification.)</p> <p>20 BY MR. KING:</p> <p>21 Q. Officer Spalding, are you familiar with 22 the Independent Police Review Authority?</p> <p>23 A. I know who they are.</p> <p>24 Q. Okay. And is it your understanding</p>	<p style="text-align: right;">Page 343</p> <p>1 know.</p> <p>2 Q. Let me show you another document that's 3 been marked as Deposition Exhibit No. 10 and ask 4 you to take a look at that.</p> <p>5 Take a look at this first page of 6 Exhibit 10 and just let me know if you've ever 7 seen this e-mail before.</p> <p>8 A. No.</p> <p>9 Q. Okay. And as of April 13, 2008, you 10 were still working in Narcotics, correct?</p> <p>11 A. As of -- yes.</p> <p>12 Q. And are you familiar with Kevin 13 Navarro?</p> <p>14 A. Yes.</p> <p>15 Q. Who was Kevin Navarro?</p> <p>16 A. He was a lieutenant in Narcotics.</p> <p>17 Q. Okay. And to the best of your 18 knowledge, was he your lieutenant as of 19 April 13, 2008?</p> <p>20 A. Yes, I believe he was.</p> <p>21 Q. And was your sergeant at that time 22 Kevin Johnson?</p> <p>23 A. In April?</p> <p>24 Q. In April of 2008.</p>
<p style="text-align: right;">Page 342</p> <p>1 that they investigate complaints of misconduct 2 by police officers?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And when did you -- have you 5 known that your whole career essentially that 6 who IPRA is and that they investigate 7 complaints?</p> <p>8 A. I don't know that I've known that my 9 whole career. I don't think IPRA has been in 10 existence my whole career. I don't know much 11 about them. You know, I've only had to deal 12 with IAD.</p> <p>13 Q. Okay. So I'm assuming you never made 14 a -- you or as far as you know, Officer 15 Echeverria never made a Complaint to the 16 Independent Police Review Authority about any of 17 the retaliation that you allege you were 18 subjected to?</p> <p>19 A. No, I never did.</p> <p>20 Q. Okay.</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. And as far as you know, Officer 23 Echeverria did not, either, correct?</p> <p>24 A. No. He didn't, either, as far as I</p>	<p style="text-align: right;">Page 344</p> <p>1 A. Do your records reflect that? I'm not 2 sure who was my sergeant at that time.</p> <p>3 Q. Okay. But it may have been Kevin 4 Johnson?</p> <p>5 A. It could have been, yes.</p> <p>6 Q. Okay. If you would -- if you look at 7 the first line of the e-mail, Page 1 of 8 Exhibit 10, it says, from Kevin Navarro to Nick 9 Roti. It says, boss, here are the personnel 10 assessments. Sergeants were done by me and 11 their personnel were done by them. Do you see 12 that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And then if you turn to 15 Page 149 -- at the bottom right, it's Page 1495, 16 which says, Lieutenant Kevin Navarro at the top 17 and then Sergeant Kevin Johnson underneath that. 18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Okay. And if you turn to the next 21 page, you're identified on the next page 22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And have you ever seen these</p>

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<p>1 pages, 1495 and 1496 before?</p> <p>2 A. I've never seen any of these pages.</p> <p>3 Q. Okay. And during the time that you</p> <p>4 were under Sergeant Kevin Johnson, were these</p> <p>5 the individuals that were also under Sergeant</p> <p>6 Johnson, as far as you know?</p> <p>7 A. Yes.</p> <p>8 Q. Officer -- those listed on Page 1495?</p> <p>9 A. Yes.</p> <p>10 Q. Yes?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Okay, thank you.</p> <p>13 And do you have any knowledge or</p> <p>14 information that as of April 13, 2008 Kevin</p> <p>15 Navarro was aware of your work with the FBI on</p> <p>16 the Watts investigation?</p> <p>17 A. You know, I don't know who knew what at</p> <p>18 what point.</p> <p>19 Q. Do you have any basis for believing</p> <p>20 Kevin Navarro was aware of that as of April 13,</p> <p>21 2008?</p> <p>22 A. I have no proof of that.</p> <p>23 Q. Do you have any basis for believing</p> <p>24 that as of April, 2008, Kevin Johnson was aware</p>	<p>Page 345</p> <p>1 yes, with the -- did we talk about that, with</p> <p>2 Bates, where I was told to go out and make the</p> <p>3 drug buy when I didn't feel comfortable?</p> <p>4 Q. Well, why don't you tell me what</p> <p>5 this --</p> <p>6 A. Okay.</p> <p>7 Q. -- your understanding of the incident</p> <p>8 was when you were robbed and --</p> <p>9 A. I was working under Bates, Tyron Bates.</p> <p>10 Q. Okay.</p> <p>11 A. And I don't know and I don't recall if</p> <p>12 we did discuss this today already. But we were</p> <p>13 going to make a narcotics purchase on the West</p> <p>14 Side. We went over this, correct? And I</p> <p>15 explained that I wasn't comfortable going back</p> <p>16 to the situation because my identity had already</p> <p>17 been revealed?</p> <p>18 Q. Yes.</p> <p>19 A. Yes, this is the same subject that we</p> <p>20 talked about.</p> <p>21 Q. Okay. This is the same subject we</p> <p>22 talked about?</p> <p>23 A. Yes.</p> <p>24 Q. And obviously by the date of this</p>
<p>1 of your work on the Watts investigation?</p> <p>2 A. No. I don't know what Kevin Johnson</p> <p>3 may or may not have known, but he was working in</p> <p>4 the FBI building.</p> <p>5 Q. Okay.</p> <p>6 A. So it's possible, I don't know.</p> <p>7 Q. Okay. Do you have any personal</p> <p>8 knowledge of whether Kevin Johnson was aware of</p> <p>9 as of April, 2008 that you were working on the</p> <p>10 Watts investigation?</p> <p>11 A. No personal knowledge.</p> <p>12 Q. Okay. You don't have any knowledge?</p> <p>13 You don't have any knowledge that he was aware</p> <p>14 of that, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. If you look at the first page,</p> <p>17 the e-mail from Kevin Navarro to Nick Roti, the</p> <p>18 second paragraph starts to talk about a robbery</p> <p>19 and battery of you, P.O. Spalding. Is that what</p> <p>20 you previously testified to, that incident?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you recall what that incident</p> <p>23 was about?</p> <p>24 A. Yes. I was robbed and -- oh, with --</p>	<p>Page 346</p> <p>1 e-mail, that incident occurred sometime prior to</p> <p>2 April 13, 2008, would you agree?</p> <p>3 A. I believe it was in February.</p> <p>4 Q. Okay. Of 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. That's fine.</p> <p>7 And later on in the e-mail, Kevin</p> <p>8 Navarro writes, I'm definitely going to have a</p> <p>9 team meeting because there's animosity over this</p> <p>10 incident, a split among team members including</p> <p>11 P.O. Spalding going around the unit bad mouthing</p> <p>12 the team for not backing her up. I don't know</p> <p>13 if you'd agree to bad mouthing, but would you</p> <p>14 agree that you were expressing concern about the</p> <p>15 team not backing you up in that situation?</p> <p>16 A. I was asked by multiple supervisors</p> <p>17 about the incident, and I did express the -- I</p> <p>18 did tell them the incident that did happen and</p> <p>19 they expressed more concern than I did --</p> <p>20 Q. Okay.</p> <p>21 A. -- for the incident and related back to</p> <p>22 me that they were trying to cover that up.</p> <p>23 Q. Okay. Did you express concern in</p> <p>24 connection with that incident about team members</p>

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<p style="text-align: right;">Page 349</p> <p>1 not being there to back you up? 2 A. Yes. 3 Q. Okay. And then Kevin Navarro goes on 4 to write, quote, I talked to her personally on 5 the phone with her from Peoria and asked the 6 question specifically about backup and she told 7 me she had no problems. Do you believe that's 8 correct? 9 A. What I do know is that the 10 conversations took place when Kevin Navarro -- 11 prior to his phone call. I don't believe he was 12 informed immediately of the situation. 13 Q. Okay. 14 A. I think it was a day or the next day. 15 Q. Okay. 16 A. And so these conversations took place 17 immediately after the incident. 18 Q. I understand. I'm just asking if you 19 remember a phone conversation with Kevin 20 Navarro. 21 A. I do remember Kevin Navarro calling. 22 Q. Do you recall that you told him you 23 weren't concerned about the team members not 24 backing you up or do you not recall that?</p>	<p style="text-align: right;">Page 351</p> <p>1 Q. And we can just look at the first page. 2 A. Okay. 3 Q. It appears to be what's called a 4 Summary Report Digest. It indicates in the 5 allegation section that the allegation was that 6 a complainant Michael Murphy had made some 7 allegations relating to some actions by you and 8 Officer Echeverria relating to a dog. Do you 9 recall that incident? 10 A. Yes. 11 Q. Okay. And you are aware that as a 12 result of that incident, there was a CR number 13 and investigation was done, correct? 14 A. Yes. 15 Q. Okay. And do you recall that Joseph 16 Stehlík with the Internal Affairs Division was 17 the one who conducted that investigation? 18 A. I don't recall who conducted it. 19 Q. Okay. If you could turn -- strike 20 that. 21 To the best of your recollection, you 22 have not seen this document before? 23 A. Well, I was just looking at the front 24 page and I don't ever recall seeing a Summary</p>
<p style="text-align: right;">Page 350</p> <p>1 A. I don't recall telling him that I 2 wasn't concerned. I remember telling him that I 3 was okay. 4 Q. Okay. That's fine, that's fine. 5 And Tyron Bates, I assume you don't 6 have any knowledge that as of when that incident 7 occurred, he had any knowledge of your working 8 on the Watts investigation? 9 A. I have no knowledge of him having 10 knowledge. 11 Q. Okay. 12 (Whereupon, Spalding Deposition 13 Exhibit No. 11 was marked for 14 identification.) 15 BY MR. KING: 16 Q. Officer Spalding, I'm showing you 17 another document that's been marked Deposition 18 Exhibit No. 11 and I will ask you to -- it's a 19 lengthy document. But if you could tell me 20 whether or not you believe you've seen this 21 document before. 22 A. I don't think I've ever seen this 23 document, the first page of it. I don't know. 24 Hold on a second.</p>	<p style="text-align: right;">Page 352</p> <p>1 Report Digest. 2 Q. Okay. Do you ever recall seeing any 3 report concerning the investigation of this 4 incident? 5 A. Well, these are the investigator's log, 6 so I wouldn't be privilege to this. 7 Q. Okay. 8 A. I wouldn't have any of this. 9 Q. Okay. 10 A. This is not what we would see. 11 Q. I understand. I'm just checking. 12 Just let me know if you think you've 13 seen any of these documents before. 14 A. Well, I know that I would -- I know 15 that I saw a CR number for that. 16 Q. Okay. 17 A. But I don't -- it's not the same as 18 this, I don't believe. But I did see CR 19 documents for that. 20 Q. Okay. And if you turn to the page at 21 the bottom, it's Number 923. And do you see 22 that? 23 A. Yes. 24 Q. It says findings on this page. And it</p>

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<p style="text-align: right;">Page 353</p> <p>1 indicates with respect to you, the accused, 2 Shannon Spalding, that allegation that's written 3 here anyway is sustained a violation of Rule 4 4 and sustained a violation of Rule 2. Do you 5 remember learning at some point that the 6 violations against you, in what I'll refer to as 7 the dog incident, had been sustained?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And if you turn to the next 10 page, it indicates that the violations or the 11 allegations against Officer Echeverria were 12 likewise sustained. You learned of that, as 13 well, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And if you turn to the following page, 16 which is the recommendation page, you learned 17 that at least -- did you learn at some point 18 that at least the recommendation was a 19 suspension for you and for Officer Echeverria?</p> <p>20 Did you recall learning that a 21 suspension had been recommended for the both of 22 you?</p> <p>23 A. I recalled them sustaining that, 24 sustaining it. I don't recall -- I know that we</p>	<p style="text-align: right;">Page 355</p> <p>1 that we were upset and we wanted to file a 2 grievance --</p> <p>3 Q. Sure.</p> <p>4 A. -- because it was sustained. And now 5 that -- I mean, I'm looking at this and four 6 days when you've never -- you know, usually it 7 doesn't --</p> <p>8 Q. That's fine.</p> <p>9 A. -- start out at four days. So we 10 filed -- when we went to file the grievance --</p> <p>11 Q. Yes.</p> <p>12 A. -- we were informed by Kathy, who works 13 at FOP, she said, well, this --</p> <p>14 Q. I'm sorry. Go ahead.</p> <p>15 A. We were informed by Kathy at some point 16 when we were talking to FOP about filing the 17 grievance, that this CR number was made by -- 18 was called in as a favor to the complainant's 19 mother, who actually worked either for Nick Roti 20 or O'Grady as their secretary or something for 21 years. So that is the kid's mother. And so 22 they called it in and then they took the CR 23 number and we were told by --</p> <p>24 MR. KING: Okay. I'm just going to</p>
<p style="text-align: right;">Page 354</p> <p>1 filed a grievance on it, so I know it was 2 sustained.</p> <p>3 Q. Okay.</p> <p>4 A. But I don't recall the specific --</p> <p>5 Q. You don't recall knowing --</p> <p>6 A. Yes.</p> <p>7 Q. -- what the recommended penalty would 8 be?</p> <p>9 A. Time. Yeah, exactly. But it says it 10 right here.</p> <p>11 Q. Sure, okay. And ultimately is it your 12 understanding that those findings were changed 13 to not sustained?</p> <p>14 A. Yeah. We filed a grievance with FOP.</p> <p>15 Q. Okay. So my question is --</p> <p>16 A. Yes.</p> <p>17 Q. -- ultimately, did you learn that 18 these -- these findings were changed or 19 overruled such that they were not sustained?</p> <p>20 A. Correct. Ultimately.</p> <p>21 Q. Okay. And do you have any knowledge of 22 what happened to cause the findings to be 23 changed from sustained to not sustained?</p> <p>24 A. Yeah. We went to FOP and I remember</p>	<p style="text-align: right;">Page 356</p> <p>1 move to strike that entire answer as 2 nonresponsive to my question.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. SMITH: Not that striking testimony 5 in a deposition has any meaning at all. It's 6 part of her answer. If you don't want her to 7 answer your question about what they did and why 8 they did it --</p> <p>9 MR. KING: Okay.</p> <p>10 MR. SMITH: -- she could continue. If 11 you want to withdraw the question, then withdraw 12 the question and ask another one.</p> <p>13 MR. KING: That's a good idea. I'll 14 withdraw the question and I'm moving to strike 15 her answer.</p> <p>16 MR. SMITH: Again, that has no meaning 17 in a deposition.</p> <p>18 MR. KING: I appreciate the Civil 19 Procedure lesson. I'll ask -- I'll rephrase my 20 question.</p> <p>21 BY MR. KING:</p> <p>22 Q. Are you aware of whether someone 23 intervened on your behalf to change the finding 24 of sustained to not sustained? Do you have any</p>

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<p>1 knowledge of that?</p> <p>2 A. I understand that when you file a 3 grievance, that there will be a hearing and that 4 somebody will review it and make a decision on 5 that. That is my understanding.</p> <p>6 Q. Do you know in this particular case how 7 the initial finding of sustained came to be 8 changed to unsustained?</p> <p>9 A. I was never told by FOP.</p> <p>10 Q. Okay. So you don't know?</p> <p>11 A. No.</p> <p>12 Q. Okay. If I could turn your attention 13 to Paragraph 116 of the Amended Complaint of 14 Exhibit 1. Paragraph 116 indicates that the 15 allegation is that the Defendants -- let me 16 strike that.</p> <p>17 Paragraph 116 alleges that as described 18 in the preceding paragraphs, Defendants acting 19 in concert with known and unknown conspirators, 20 reached an understanding to deprive Plaintiffs 21 of their Constitutional rights.</p> <p>22 What Defendants are you alleging 23 reached an understanding, I guess, to retaliate 24 against you?</p>	<p>Page 357</p> <p>1 aware of each other's actions, you know.</p> <p>2 Q. Okay.</p> <p>3 A. And Lieutenant Cesario, Barnes, Mills, 4 Salemme from 606, they have at different moments 5 been witnesses or there when things have taken 6 place.</p> <p>7 Q. Okay. So is it your testimony that 8 your allegation that the Defendants reached an 9 understanding to retaliate against you, that's 10 based on your allegation that certain Defendants 11 knew about the alleged retaliation of other 12 Defendants, is that fair to say?</p> <p>13 A. Yes, they knew about it and failed to 14 stop it or report it or engaged in it.</p> <p>15 Q. Okay. Is it your position in the case 16 that the Defendants that retaliated against you, 17 did they retaliate against you because you spoke 18 to the FBI specifically or simply because you 19 reported illegal activity on behalf of -- 20 illegal activity by Watts and others?</p> <p>21 MR. SMITH: I'm going to object, it's a 22 compound question as to all the Defendants and 23 then --</p> <p>24</p>
<p>1 A. The Defendants named in the lawsuit.</p> <p>2 Q. Okay. So it's your allegation that all 3 of the Defendants named in the lawsuit reached 4 an understanding to deprive you of your rights, 5 is that your testimony?</p> <p>6 A. I'm not sure I understand the question.</p> <p>7 Q. Okay. Well, you testified that all of 8 the Defendants named in the case --</p> <p>9 A. The Defendants named in the case.</p> <p>10 Q. The Defendants named in the case you're 11 alleging reached an understanding to deprive you 12 of your rights. I assume that means to 13 retaliate against you, correct?</p> <p>14 A. All the Defendants listed did engage in 15 retaliation at some point.</p> <p>16 Q. Okay. You've testified as to all of 17 the Defendants engaging in some sort of 18 retaliation against you. Is it also your 19 testimony that they all reached some 20 understanding to engage in this retaliation or 21 they -- or they just, on their own, engaged in 22 retaliation, if you know?</p> <p>23 A. I don't -- well, like Nick Roti and the 24 people from Organized Crime, obviously were</p>	<p>Page 358</p> <p>1 BY MR. KING:</p> <p>2 Q. My question is, is it your belief that 3 they retaliated against you because you went to 4 the FBI or simply because you had, 5 quote-unquote, ratted on fellow police officers?</p> <p>6 A. I believe that they retaliated against 7 my partner and myself because we went to an 8 outside agency to report criminal conduct within 9 the department that wasn't being addressed by 10 the department and we broke the code of silence 11 and reported supervisors within the department 12 to outside agencies so --</p> <p>13 Q. Okay. And were you finished with your 14 answer?</p> <p>15 A. I could be.</p> <p>16 Q. Okay. You mentioned this code of 17 silence. As you understand the code of silence, 18 it's that you're -- I guess tell me what's your 19 understanding of what that means, the code of 20 silence?</p> <p>21 A. Well, I'm sure it's not the first time 22 that you've heard of the code of silence. But 23 even when you're in the academy, they tell you 24 the fastest way to ruin your career is go</p>

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<p style="text-align: right;">Page 361</p> <p>1 against another police officer. So you know 2 that from the minute you walk in, that is taboo 3 within the department. Look the other way or 4 whatever.</p> <p>5 Q. Okay.</p> <p>6 A. And if you don't, it will cost you your 7 career, as we are examples of.</p> <p>8 Q. Okay. So your understanding of the 9 code of silence is that you're not supposed to 10 report criminal or illegal activity by other 11 officers; is that correct?</p> <p>12 A. My understanding of it is it is not 13 looked favorably by other officers or 14 supervisors if you are going against other 15 officers or reporting it. It's not -- it 16 doesn't make you popular. It will damage you 17 and make you an outsider.</p> <p>18 Q. Okay. And that -- your understanding 19 is the same whether they're -- you know, I'll 20 strike that.</p> <p>21 If I could turn your attention to 22 Paragraph 120 of the Complaint. And just have 23 you take a look at Paragraph 112(a). Are you 24 aware of any authority, any particular authority</p>	<p style="text-align: right;">Page 363</p> <p>1 documents, are you aware of specifically what 2 authority the superintendent of police has 3 delegated to individuals at the chief level?</p> <p>4 A. I have not seen any documents from the 5 superintendent to the chiefs.</p> <p>6 Q. Okay. You -- there's an allegation in 7 Paragraph 112(c) that -- strike that.</p> <p>8 Is it your allegation in this case that 9 the superintendent of police, whoever the 10 superintendent was at any particular time, was 11 personally involved in any retaliation against 12 you?</p> <p>13 A. Did the superintendent --</p> <p>14 Q. Yes.</p> <p>15 A. -- retaliate against me personally?</p> <p>16 Q. Yes.</p> <p>17 A. No.</p> <p>18 Q. Or the same for Officer Echeverria, as 19 far as you know?</p> <p>20 A. As far as I know.</p> <p>21 Q. Okay. And --</p> <p>22 MR. KING: Can we take a quick a break?</p> <p>23 MR. SMITH: Sure.</p> <p>24</p>
<p style="text-align: right;">Page 362</p> <p>1 that the Chicago City Council has delegated to 2 the superintendent of police?</p> <p>3 A. Personally?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. Okay. Are you personally aware of any 7 authority that the superintendent of police may 8 have delegated to chiefs?</p> <p>9 A. What do you mean by that? Like what, 10 the authority he allows them to have in their 11 position?</p> <p>12 Q. My question is, are you aware of any 13 authority that the superintendent of police, 14 specific authority that a superintendent has 15 delegated to chiefs?</p> <p>16 A. I know the authority that the chiefs 17 have under their position.</p> <p>18 Q. Well, what's your understanding of the 19 authority that the chiefs have?</p> <p>20 A. What division are you talking about?</p> <p>21 Do I know what the superintendent personally 22 assign to chiefs or authorize them to do 23 personally, no.</p> <p>24 Q. Either personally or based on</p>	<p style="text-align: right;">Page 364</p> <p>1 (Whereupon, a discussion was had 2 off the record.)</p> <p>3 BY MR. KING:</p> <p>4 Q. I don't think I asked this. Am I 5 correct that the alleged retaliation that you 6 say was engaged in by Commander Salemme and 7 Lieutenant Cesario was all during the period 8 that you were assigned the Fugitive 9 Apprehension?</p> <p>10 A. You're correct.</p> <p>11 Q. And with respect to Nick Roti, other 12 than your allegation that he did not allow you 13 to come back to work in Narcotics, is that the 14 extent of the alleged retaliation by Nick Roti?</p> <p>15 A. No.</p> <p>16 Q. Okay. How else did Nick Roti retaliate 17 against you?</p> <p>18 A. By allowing Commander O'Grady to 19 continue his retaliation against me, you know.</p> <p>20 Q. Okay. So other than not allowing you 21 back in the unit and to your knowledge Roti 22 allowing O'Grady to continue to retaliate, was 23 that the extent of the retaliation that you're 24 alleging by Nick Roti?</p>

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1 A. No.	1 any personal knowledge of the superintendent of
2 Q. Okay. What else?	2 police being aware of any of the alleged
3 A. After Echeverria tried to make attempts	3 retaliation against you before you filed the
4 to make the phone call, his conversation with	4 lawsuit and it became public?
5 Juan Rivera telling us, you know, never to	5 A. No.
6 contact him, we're never going to be allowed in	6 Q. Okay. You talked about this code of
7 Organized Crime, we'll never go to any task	7 silence. And my question to you is other than
8 force, that conversation.	8 what you allege has happened to you and your
9 Q. Okay.	9 partner, Dan Echeverria, are you aware of any
10 A. Other than that --	10 other officers whom you believe have been
11 Q. Maybe I'll ask it this way.	11 retaliated against for violating this so-called
12 A. Other than that --	12 code of silence?
13 Q. Other than what you've already	13 A. Michael Spaargaren.
14 testified to, is there anything else that you're	14 Q. Okay.
15 alleging is a retaliation by Nick Roti?	15 A. S-P-A-A-R-G-A-R-E-N.
16 A. No.	16 Q. And what's your understanding of what
17 Q. Okay. You testified that the	17 Michael Spaargaren did? Is this what you
18 superintendent you didn't believe was engaged in	18 previously testified to?
19 retaliation. Is it your position in this case	19 A. It's in addition to.
20 that the superintendent of police is somehow	20 Q. Okay. What's your understanding of
21 responsible for the retaliation that you	21 what Michael Spaargaren did to violate or breach
22 suffered?	22 the code of silence and what retaliation do you
23 A. The superintendent never engaged in	23 believe happened to him?
24 retaliation against --	24 A. When we were in Public Housing South,
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1 Q. I understand.	1 at one point he was placed on Sergeant Ronald
2 A. -- my partner or I.	2 Watts' team. And he began to personally observe
3 Q. And I'm asking is it your position that	3 activity that he believed was not according to
4 nevertheless -- and I'm not saying that it is.	4 the rules and regulation of the police
5 Is it your position that nevertheless the	5 department and he started to question their
6 superintendent is somehow responsible for those	6 conduct.
7 under him who engaged in retaliation?	7 He had a -- he confronted Sergeant
8 MR. SMITH: I object it calls for a	8 Watts about it, at which point Sergeant Watts
9 legal conclusion.	9 then told him that -- Sergeant Watts threatened
10 THE WITNESS: I think that the	10 him and told him that he needs to keep his mouth
11 superintendent is responsible for his chiefs	11 shut and you know what, you'll be the one that I
12 underneath him and the actions that they do.	12 do the paper on. Don't -- you know, you're not
13 And when there is retaliation to this extent and	13 going to question what I do. I'm the
14 he was involved in the operation, that it -- you	14 supervisor.
15 know with the -- all of -- all of this, that,	15 Q. Okay.
16 you know, once he becomes aware of this, you	16 A. And they got into a verbal altercation
17 know, it is his responsibility to address it.	17 over it, to the point that Michael Spaargaren
18 BY MR. KING:	18 then went to lieutenant -- the lieutenant of
19 Q. Okay. And are you aware of any of the	19 Public Housing at the time.
20 retaliation that the superintendent was actually	20 Q. Do you recall who that was?
21 aware of?	21 A. Yes. It was Spratt, S-P-R-A-T-T. At
22 A. I'm sure he was made aware of the	22 which point the lieutenant told Michael
23 lawsuit.	23 Spaargaren that he better not go to IAD and
24 Q. My question is, are you -- do you have	24 report any of this, that basically he would be

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<p style="text-align: right;">Page 369</p> <p>1 done and he better keep his mouth shut.      2 Q. Okay.      3 A. And at that point, Michael Spaargaren      4 began to fear that he would get a false case put      5 on him or false papers. So he turned in his      6 papers -- he went down to headquarters to take a      7 leave of absence in fear of what would happen.      8 Q. Okay. And what you just testified to      9 that Lieutenant Spratt allegedly said to Michael      10 Spaargaren, you got that from Michael      11 Spaargaren, correct?      12 A. I got that from Michael Spaargaren.      13 But also I heard them arguing upstairs.      14 Q. Okay.      15 A. I heard them screaming, so I could hear      16 part of that argument and I heard Spratt yelling      17 at him.      18 Q. I understand Michael feared that there      19 might be some retaliation against him. He went      20 on leave, I think you said?      21 A. Yeah.      22 Q. Okay. Are you aware of any actual      23 retaliation that happened to Michael Spaargaren?      24 A. No. He left -- he left the job then.</p>	<p style="text-align: right;">Page 371</p> <p>1 A. Well, I do know that like they told me      2 their brief story.      3 Q. Okay.      4 A. And so I knew their incident. One      5 person said that he had worked with Ronnie Watts      6 and when he complained about him in the 2nd      7 District, he was launched off. And I don't      8 remember if he said he was put on midnights      9 somewhere on foot patrol or something, but he      10 had made it to traffic or something now. But,      11 you know, situations like that.      12 Q. Okay.      13 A. But, you know, these officers would      14 know me from media and come up to me.      15 Q. Sure.      16 A. And I don't know these officers. I      17 don't remember their names.      18 Q. Other than what you've already      19 testified to, are you aware of any other      20 officers who to your knowledge breached the code      21 of silence and suffered some kind of      22 retaliation?      23 A. I could possibly be aware of incidents      24 that I don't recall right now.</p>
<p style="text-align: right;">Page 370</p> <p>1 Q. Okay.      2 A. And then they changed the rules after      3 about a year and a half or two years, and he      4 came back.      5 Q. Okay. And he came back?      6 A. Yes.      7 Q. Okay. And since Michael Spaargaren has      8 come back to work, are you aware of any      9 retaliation that he suffered?      10 A. I'm not aware.      11 Q. Okay. Other than you and your partner      12 and Michael Spaargaren, are you aware of any      13 other officers who to your understanding      14 breached this code of silence and suffered any      15 retaliation?      16 A. You know, a couple officers, after I      17 became public with this, did approach me and I      18 don't -- I don't know their names now.      19 Q. Okay.      20 A. And did approach me with their      21 situations, but I don't know their names.      22 Q. Okay. You don't know -- it's fair to      23 say you don't know their names or the details of      24 their situations?</p>	<p style="text-align: right;">Page 372</p> <p>1 Q. Okay. At any time that you were      2 suffering alleged retaliation, am I correct that      3 your pay was not cut, correct?      4 A. No. My salary?      5 Q. Was your salary ever cut?      6 A. No.      7 Q. And, in fact, did you receive any      8 salary increases during the period of time that      9 you allege you were suffering retaliation?      10 A. To be honest, I don't know. I have      11 direct deposit, I never looked at my checks. If      12 there was an increase, I didn't notice it.      13 Q. Okay. Do you know what your last      14 salary was before your pay was stopped?      15 A. I don't even open up my W2s. I just      16 bring them to the accountant.      17 Q. So you don't know?      18 A. No.      19 Q. Okay. And I assume also -- well,      20 strike that.      21 And during the period that you      22 allegedly suffered retaliation, none of your      23 employment benefits were cut, correct?      24 A. Correct.</p>

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<p>1     Q. Okay. And are you alleging that you 2 suffered any monetary losses as a result of the 3 alleged retaliation? 4     A. Well, I did -- you know, the 5 retaliation resulted in me not being able to 6 come to work now, it's resulted in me applying 7 for disability because of the post-traumatic 8 stress disorder, it's resulted in the City 9 doctor saying that me ever returning to legal 10 work -- I mean, to law enforcement, is very 11 unlikely. So it's negatively effected my income 12 ultimately, yes. 13     Q. So at this point, the monetary loss 14 that has been the result of the alleged 15 retaliation, would you agree that it is the fact 16 that you're no longer getting your full salary 17 while you're on disability? 18     A. Or allowed to work overtime or have the 19 chance to advance or any of that. 20     Q. Okay. And with respect to overtime, 21 are you alleging that the retaliation impacted 22 your ability to work overtime just in Fugitive 23 Apprehension or in any other units? 24     A. Well, there --</p>	<p>Page 373 1 how much overtime you may have lost or believe 2 you lost as a result of the alleged retaliation? 3     A. I can't guess what I would have been -- 4 worked or not worked. 5     Q. Sure, that's fair. 6         Is it true that when you were working 7 on the third watch in Fugitive Apprehension, 8 you -- did you ever have to also go to court 9 during the days? 10    A. No. 11    Q. Okay. You've alluded to that you've 12 seen some medical professionals in connection 13 with I guess medical conditions that you're 14 alleging were the result of the retaliation; is 15 that correct? 16    A. I'm not alleging. They are a result of 17 the retaliation. 18    Q. Okay. And can you tell me who each of 19 those medical providers were? 20    A. The Therapist Deborah Weaver. 21    Q. Okay. 22    A. Psychiatrist Dr. Kaiser, Psychiatrist 23 Nancy Landre. 24    Q. Okay. Anyone else?</p>
<p>1     Q. Well, strike that. Let me ask you. 2         With respect to the -- your claim that 3 the retaliation, are you alleging that that 4 caused you to lose overtime opportunities? 5     A. The retaliation? 6     Q. Yes. 7     A. Yes. 8     Q. Okay. Do you have any knowledge as you 9 sit here of how much overtime you claim that 10 you've lost as a result of alleged retaliation? 11    A. I lost the possibility to working 12 overtime. There was no overtime in the units I 13 was put in like 126 or things like that. For us 14 like to work later investigations or things like 15 that, like that was limited. 16    Q. It was limited overtime opportunities? 17    A. Yeah, in some of the units. Like in 18 606, we weren't going to be working overtime 19 unless we worked our days off. 20    Q. Okay. 21    A. So it was limited where you couldn't 22 stay late. We couldn't stay late. 23    Q. Sure, okay. 24         Do you have any knowledge of in dollars</p>	<p>Page 374 Page 376 1     A. Yes. I saw a doctor at the University 2 of Chicago for some stress-related testing for 3 the physical effects. I don't remember his 4 name. If you said the name -- 5     Q. Is that Dr. Robert Sargs? 6     A. Yes. 7     Q. Okay. 8     A. If you say the names, I could tell you 9 what they did. 10    Q. Okay. Do you recall anyone else who 11 provided any treatment to you? 12    A. Dr. Jessica Dietheim from Rush. 13    Q. Okay. 14    A. And then I went to see a cardiologist 15 at Rush, Dr. Jolly. 16    Q. Okay. Do you recall visiting at any 17 time -- does the name Joleen Hartland or Genesis 18 ring a bell to you? 19    A. Yes, I did. I did go see her at times 20 for -- she's a therapist, as well. 21    Q. Okay. 22    A. I'm trying to think. There may be one 23 other name that you have on the list that I 24 can't --</p>

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<p style="text-align: right;">Page 377</p> <p>1 Q. Okay. I'll just ask you a few 2 questions. Our records, and we've obtained 3 records from all these providers, of course, 4 indicate that your first visit with Deborah 5 Weaver was on April 4, 2013. Do you have any 6 reason to doubt that?</p> <p>7 A. No.</p> <p>8 Q. Okay. And we've seen records that 9 indicate that you visited Joleen Hartland on 10 May 11, 2013. Do you have any reason to doubt 11 that?</p> <p>12 A. No, no.</p> <p>13 Q. Do you recall having just that one 14 visit with Joleen Hartland or more than one?</p> <p>15 A. No. I went to her multiple times, but 16 I don't recall how many times.</p> <p>17 Q. Okay. And do you have any reason to 18 doubt that May 11, 2013 was the first time you 19 visited her?</p> <p>20 A. No.</p> <p>21 Q. Okay. And our records indicate a visit 22 to the doctor you mentioned, Jessica at Rush 23 University Medical Center on June 5, 2013. Do 24 you have any reason to question that?</p>	<p style="text-align: right;">Page 379</p> <p>1 first visit with him was on February 3, 2014. 2 Do you have any reason to doubt that? 3 A. No. For some strange reason, I 4 remember that day.</p> <p>5 Q. Okay. And Nancy Landre you testified 6 to, you visited her on one occasion, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And our records indicate that 9 that evaluation was done on July 15, 2014. Does 10 that sound correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. And the only other person I 13 think you mentioned was a Dr. Jolly?</p> <p>14 A. Yes. I went to see him once. He was a 15 cardiologist. But I was having chest pains.</p> <p>16 Q. Do you recall when you visited 17 Dr. Jolly?</p> <p>18 A. I was -- no, I don't.</p> <p>19 Q. Okay. In the other visits we've talked 20 about with medical professionals, the first one 21 appears to be the visit with Deborah Weaver on 22 April 4, 2013. Do you know if your visit to 23 Dr. Jolly was after that date?</p> <p>24 A. After that? You know what, I believe</p>
<p style="text-align: right;">Page 378</p> <p>1 A. No.</p> <p>2 Q. Do you know if you had the one visit 3 with Dr. Jessica, I guess it's, Dietheim --</p> <p>4 A. Yeah.</p> <p>5 Q. -- or multiple visits?</p> <p>6 A. One visit.</p> <p>7 Q. Okay. And Dr. Robert Sargis at the U 8 of C Medical Center, our records indicate you 9 visited on December 5th of 2013. Any reason to 10 doubt that?</p> <p>11 A. No.</p> <p>12 Q. Did you have one visit with Dr. Sargis 13 or multiple?</p> <p>14 A. I had one visit with Dr. Sargis and 15 then one return visit, but that was for labs, 16 for Dr. Sargis. And then two phone 17 consultations over the phone with Dr. Sargis.</p> <p>18 Q. Any reason to doubt that the one main 19 visit with Dr. Sargis was on December 5, 2013?</p> <p>20 A. No.</p> <p>21 Q. Okay. And you mentioned Dr. David 22 Kaiser.</p> <p>23 A. Kaiser.</p> <p>24 Q. Kaiser. Our records indicate that your</p>	<p style="text-align: right;">Page 380</p> <p>1 it was before that.</p> <p>2 Q. Okay.</p> <p>3 A. I believe I was still working at the 4 time in Fugitives, but I would have to check 5 that date for you.</p> <p>6 Q. Okay.</p> <p>7 A. I believe I was working at Fugitives 8 but --</p> <p>9 Q. But you're not positive?</p> <p>10 A. I can't be positive. I'd have to check 11 for you.</p> <p>12 Q. Okay. And you went to Dr. Jolly 13 because you were having chest pains?</p> <p>14 A. Yeah, I was having chest pains. It was 15 from anxiety, but I didn't know they were 16 increasing.</p> <p>17 Q. Okay. And do you recall where 18 Dr. Jolly's office is or what the address is?</p> <p>19 A. Yeah. He's at Rush Professional 20 Building.</p> <p>21 Q. Okay.</p> <p>22 A. And that's like 1340 West Harrison or 23 something.</p> <p>24 Q. Okay. Was he the one that referred you</p>

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<p>1 to Deborah Weaver?</p> <p>2 A. Did he refer me to Deborah Weaver?</p> <p>3 Q. Yes.</p> <p>4 A. No. Jessica Diethelm said that I</p> <p>5 should see somebody.</p> <p>6 Q. Okay. You don't know when you visited</p> <p>7 Dr. Jolly, whether it was before you went on</p> <p>8 medical leave or after?</p> <p>9 A. I want to say it was before, but as I</p> <p>10 stated, I'm not 100 percent positive.</p> <p>11 Q. Okay. And is he located in the same</p> <p>12 building as Jessica Diethelm at Rush?</p> <p>13 A. I think they are in the same building.</p> <p>14 Q. Okay. And did you have just one visit</p> <p>15 with Dr. Jolly or multiple?</p> <p>16 A. No, just one.</p> <p>17 Q. Okay. And you indicated that it was</p> <p>18 his diagnosis that you were having chest pains</p> <p>19 from stress?</p> <p>20 A. It was his diagnosis that he believed</p> <p>21 that it was not a heart attack or heart related,</p> <p>22 but it was anxiety, stress related.</p> <p>23 Q. Okay. Would I be correct to say that</p> <p>24 all of the medical professionals that you</p>	<p>Page 381</p> <p>1 A. Dr. Sargis said that my condition is</p> <p>2 stress-related and recommended that I see a</p> <p>3 psychiatrist.</p> <p>4 Q. Okay. You referred to Nancy Landre as</p> <p>5 the City of Chicago's doctor. Who referred you</p> <p>6 to see Nancy Landre?</p> <p>7 A. That came -- I don't -- I don't</p> <p>8 remember her name, but she is like a medical</p> <p>9 caseworker for the City.</p> <p>10 Q. Okay.</p> <p>11 A. And she notified me that an appointment</p> <p>12 was made on that date and that I needed to go</p> <p>13 there for an evaluation.</p> <p>14 Q. Okay. And the person that sent you for</p> <p>15 the evaluation with Nancy Landre, do you recall</p> <p>16 were they with the pension board?</p> <p>17 A. Yes, I think it was the case management</p> <p>18 for -- I don't know if they worked at the</p> <p>19 pension board or it's a company that -- it's</p> <p>20 somebody that the pension board uses.</p> <p>21 Q. Okay.</p> <p>22 A. Or I don't know if they are employed at</p> <p>23 the pension board.</p> <p>24 Q. Okay. And you were -- other than what</p>
<p>1 visited, all of the information that they</p> <p>2 received as to what was allegedly happening to</p> <p>3 you at work at the Chicago Police Department was</p> <p>4 provided to them by you?</p> <p>5 THE WITNESS: Well, yeah.</p> <p>6 MR. SMITH: Objection, foundation.</p> <p>7 BY MR. KING:</p> <p>8 Q. And that would have been both things</p> <p>9 that you told them verbally and in some cases</p> <p>10 you provided some documents to some of the</p> <p>11 medical professionals, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And were you at some point</p> <p>14 diagnosed with any particular condition by any</p> <p>15 of the medical professionals that we've talked</p> <p>16 about?</p> <p>17 A. Yes.</p> <p>18 Q. And who diagnosed you with what?</p> <p>19 A. Deborah Weaver with post-traumatic</p> <p>20 stress disorder; Dr. Kaiser post-traumatic</p> <p>21 stress disorder, anxiety disorder; the City of</p> <p>22 Chicago's Dr. Nancy Landre, post-traumatic</p> <p>23 stress disorder, anxiety, mood disorder.</p> <p>24 Q. Anything else?</p>	<p>Page 382</p> <p>1 you've testified to, are there any other</p> <p>2 conditions that you've been diagnosed with that</p> <p>3 you're claiming is a result of the retaliation</p> <p>4 in this case?</p> <p>5 A. No, not that I recall. No.</p> <p>6 Q. Okay. Did any of the medical</p> <p>7 professionals you saw prescribe any medications</p> <p>8 for you?</p> <p>9 A. Yes, they did.</p> <p>10 Q. Okay. Who prescribed what medication</p> <p>11 for you?</p> <p>12 A. I don't remember the names of the</p> <p>13 medication that Dr. Sargis -- it was anxiety</p> <p>14 medicine.</p> <p>15 Q. Okay.</p> <p>16 A. And I don't remember the names of the</p> <p>17 medicine that Jessica Diethelm prescribed, but</p> <p>18 it was also for anxiety.</p> <p>19 Q. Okay.</p> <p>20 A. And Dr. Kaiser has given me Clonazepam.</p> <p>21 I know I'm going to get it wrong. It's tromp --</p> <p>22 they're -- there's three different anxiety</p> <p>23 medicines.</p> <p>24 Q. Okay. Have all of the medicines to</p>

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<p style="text-align: right;">Page 385</p> <p>1 your knowledge that have been prescribed to you 2 anti-anxiety medications? 3 A. They are supposed to help alleviate the 4 anxiety and post-traumatic stress disorder. So 5 if they're classified as anti-anxiety or 6 something else, but they're for that reason. 7 Q. Okay. So all the medications that 8 you've been prescribed, it's your understanding 9 that they were to help with the anxiety -- 10 A. Related to the -- 11 Q. -- related to the post-traumatic stress 12 disorder? 13 A. Correct. 14 Q. Okay. And have you consistently taken 15 all of the medications that have been prescribed 16 for you by each of your doctors? 17 A. With Dr. Sargis he said to try it and 18 see how it worked and then to see a 19 psychiatrist. And the medicine he gave me, did 20 not work. And I do take the medicine that I'm 21 prescribed from my psychiatrist regularly, yes. 22 Q. And that's Deborah Weaver? 23 A. No. Dr. Kaiser. 24 Q. Dr. Kaiser, okay. So at this point,</p>	<p style="text-align: right;">Page 387</p> <p>1 MR. KING: I'm sorry, yes. 2 MR. SMITH: Thank you. 3 MR. KING: There you go. Yeah. 4 MR. SMITH: Thank you. 5 BY MR. KING: 6 Q. And they seem to be according to date 7 or some dates beginning on November 1, 2012. 8 Did you keep these on some kind of calendar? 9 A. On the Gmail calendar. 10 Q. Explain that to me. 11 A. You know how you can just go onto your 12 phone calendar -- 13 Q. Okay. 14 A. -- and type it in? That's what I would 15 do. Or you could do it from your computer. 16 Q. Okay. And would you always do it on 17 your phone or sometimes on the computer? 18 A. I would do it at different times. 19 Q. Okay. My question to you is did you 20 always type this information in on the dates 21 that's indicated or would you sometimes do it 22 later and go back and type it in? 23 A. These notes would pretty much be taken 24 like it would depend on the day. I might write</p>
<p style="text-align: right;">Page 386</p> <p>1 are you taking any medication? 2 A. Yes, I am on three medicines and I 3 don't recall the names of all of them. 4 Q. Okay. And those are medications that 5 Dr. Kaiser prescribed for you? 6 A. Yes. 7 Q. Okay. 8 (Whereupon, Spalding Deposition 9 Exhibit No. 12 was marked for 10 identification.) 11 BY MR. KING: 12 Q. Ms. Spalding, I'm showing you now 13 what's been marked as Deposition Exhibit 14 No. 12 and ask you to take a look at this and 15 let me know if you've seen these documents 16 before. 17 A. Well, of course I have. 18 Q. Okay. And what is Deposition Exhibit 19 No. 12? 20 A. They are notes that I had made for 21 myself. 22 Q. Okay. 23 MR. SMITH: Do you have another copy of 24 that one?</p>	<p style="text-align: right;">Page 388</p> <p>1 them like at the end of the day or I might write 2 them part way through the day or, you know, or 3 maybe the next day. 4 Q. Okay. 5 A. But they were always done -- 6 Q. Fairly soon after the day? 7 A. Yeah, so I wouldn't forget. 8 Q. Okay. And did you first keep any 9 handwritten notes that you then used to type 10 this in or no? 11 A. Yes, I did. 12 Q. Okay. Would that be true for all of 13 the entries on this exhibit, that originally 14 they were handwritten notes that you then typed 15 in? 16 A. I have had handwritten notes that I 17 kept before, yes. 18 Q. Do you still have any of those 19 handwritten notes? 20 A. No, I don't. 21 Q. Okay. If I could direct your attention 22 to the page that is numbered 656 at the bottom. 23 If you look at the entry at 4:00 p.m. on 24 March 21, 2013. And I'll just ask you, right in</p>

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1 the middle of that entry, you write, quote, but 2 I was just reminded again by Mills that the 3 activity have is unacceptable and I was also 4 informed that I should not be working cases 5 other than the ones assigned to me. Do you see 6 that?	1 it would. Do you see that? 2 A. Uh-huh. 3 Q. Is that accurate -- is that a yes? 4 A. Yes. 5 Q. Does that accurately reflect a part of 6 the discussion you had with Sergeant Barz?
7 A. This is on March 21st you're saying or 8 March 22nd?	7 A. Yes. 8 Q. Okay. So you were acknowledging that 9 you could understand that it would negatively 10 affect your working relationship with Sergeant 11 Mills if he believed you were secretly recording 12 him, correct?
9 Q. Yeah. 10 A. Okay. 11 Q. It appears based on the document that 12 on Thursday, March 21, 2013 at 4:00 p.m., you've 13 typed in, among other things, that you were just 14 informed by Mills that you should not be working 15 cases other than the ones assigned to you. Do 16 you see that?	13 A. Yes. 14 Q. Okay. If you turn to the page that's 15 Numbered 667. Do you see your entry for 16 Tuesday, April 16th at 2013, at 4:00 p.m. Do 17 you see that?
17 A. Yes, I do. 18 Q. Okay. And do you have any reason to 19 believe that Mills did not inform you of that on 20 that date?	18 A. Yes. 19 Q. Okay. And a few lines in, you say, 20 quote, I'm not sure if Mills believes I have 21 recorded him or if Mills his part of this 22 make-up scheme. Do you see that?
21 A. No, if I put it in there. 22 Q. Okay. And if you turn to the next 23 page, the entry for Sunday March 24, 2013. Do 24 you see that?	23 A. Or his part in this make-up scheme. 24 Yeah.
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1 A. Sunday, March 24th. Yes. 2 Q. And that, in fact, is the VRI incident 3 that you previously testified to where Mills got 4 upset because you made an arrest in the 11th 5 District, correct? 6 A. Uh-huh. 7 Q. Is that a yes? 8 A. Yes, yes. 9 Q. Okay. If you turn now to the page 10 marked 664, and your entries for Thursday, 11 April 11, 2013. Do you see that? 12 A. Yes. 13 Q. Okay. And here you're talking about 14 the situation with Mark Barz where you thought 15 you were going to be arrested, correct? 16 A. Yes. 17 Q. And you write -- in part, you say, 18 quote, I said now Mills will think I'm an idiot, 19 how would you feel Barz if you were told a 20 police officer who worked for you was recording 21 you? Barz said, yeah, I know. I, meaning you, 22 Shannon Spalding said, you mean to tell me it 23 wouldn't negatively affect the work situation 24 Barz. Barz says, yeah, I know, I understand how	1 Q. Okay. So would it be fair to say that 2 as of that point, you weren't sure whether Mills 3 believed you actually recording him, correct? 4 A. No, I have no idea what he believed. 5 Q. Okay. 6 A. Even though Mike Barz said that he 7 didn't believe it. 8 Q. Okay. You typed in on April 16, 2013 9 that you weren't sure at that point if Mills 10 believed that you recorded him; is that correct? 11 A. That's correct. 12 Q. Okay. So at that point, you didn't 13 know whether Mills believed it, that you were 14 recording him or not, correct? 15 A. Yeah. But I don't -- but I don't know 16 about -- 17 Q. I think you answered the question. 18 A. April 8, 2013, okay. Go ahead. 19 Q. Okay. On the page numbered 670, 6-7-0, 20 on April 25, 2013 under the heading all day, one 21 of the things that you indicated is that, quote, 22 Dan and I told Mills that due to our situation, 23 we were not comfortable going to the Marshal's 24 training. Do you see that?

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<p style="text-align: right;">Page 393</p> <p>1 A. I'm sorry, where are you at? The first 2 one?</p> <p>3 Q. Under all -- the second paragraph, I'm 4 sorry, that says all day, which begins, Mills 5 had informed and later on in that paragraph.</p> <p>6 A. Yes, I see that.</p> <p>7 Q. Okay. And so there was some Marshal 8 training that you and Officer Echeverria 9 declined to go to, correct?</p> <p>10 A. At this point, yes.</p> <p>11 Q. Okay. Do you have a recollection of 12 what that Marshal's training was about?</p> <p>13 A. No.</p> <p>14 Q. Okay. That's fine.</p> <p>15 A. I think I do recall.</p> <p>16 Q. If you turn to Page 673.</p> <p>17 A. Yes.</p> <p>18 Q. Under Thursday, March 2, 2013, the 19 second paragraph under all day. Well, one of 20 the things you say is you're beyond sorry to see 21 Tina Skahill leave. As far as your concerned, 22 she's the only ethical boss in this God forsaken 23 department. Do you recall typing that?</p> <p>24 A. Where are you at, 673?</p>	<p style="text-align: right;">Page 395</p> <p>1 you call the code of silence?</p> <p>2 A. I know that Kevin Williams was 3 suspicious to some people because his brother 4 was chief of IAD for a while, so they wondered 5 what his position was. But breaching the code 6 of silence, I have no knowledge of them doing 7 that.</p> <p>8 Q. Okay. Do you have any knowledge of why 9 these four officers were so called launched from 10 the district?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. But I wasn't --</p> <p>14 Q. Okay.</p> <p>15 A. I wasn't even at work any longer.</p> <p>16 Q. Okay.</p> <p>17 A. I don't think.</p> <p>18 Q. If you turn to the next page, 674, 19 which is still under May 2, 2013. You say that 20 you spoke with Guishnere who you've testified 21 about previously, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you say that, Guishnere said that 24 he would ask Barnes how come you and Danny</p>
<p style="text-align: right;">Page 394</p> <p>1 Q. Yes.</p> <p>2 A. Okay. Are you under the first 3 paragraph?</p> <p>4 Q. The second paragraph. It begins, I'm 5 beyond sorry. We can strike that. I don't need 6 to ask you about that.</p> <p>7 In that paragraph, that second 8 paragraph under May 2, 2013, you say, quote, 9 Danny also said that unit launched four POs to 10 the district. Ryan and Brian from Barnes' team 11 and Williams and Odem from Mason's team. Wow 12 the four clout heavy officers. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And then you say, and Williams 15 and Odem are great officers, they're hardworking 16 in the unit since day one, tons of activity, but 17 they always treated the two of them like 18 outcasts, never included them in team activities 19 cases or overtime. The nicest guys ever. Do 20 you recall that?</p> <p>21 A. I do.</p> <p>22 Q. Okay. And do you have any knowledge of 23 these four officers, Ryan and Brian from Barnes 24 team or Williams or Odem, ever breaching what</p>	<p style="text-align: right;">Page 396</p> <p>1 didn't come back to Barnes' team, correct?</p> <p>2 A. On the first paragraph?</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Then you write that you told 6 Gush that you wouldn't be mad if he said that to 7 Barnes but just don't say that I wanted you to 8 ask, correct?</p> <p>9 A. Yeah, that's correct. Because I didn't 10 want Barnes to think I was the one inquiring, 11 because I wasn't.</p> <p>12 Q. Okay. And was Guishnere on Barnes' 13 team at that point?</p> <p>14 A. He still is, as far as I know.</p> <p>15 Q. Okay. And at this point, he was on 16 Barnes' team, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then you write, quote, Gush 19 is a great guy, that is why we should be back on 20 that team. They are the only officers that 21 treat me and Danny like officers with no 22 retaliation, period. And they would back us up 23 100 percent. It's the safest place for us, 24 that's why we were not put back there. You're</p>

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<p style="text-align: right;">Page 397</p> <p>1 referring to being put back on Barnes' team, 2 correct? 3 A. I'm -- 4 Q. Are you referring to being put back in 5 Barnes' team -- 6 A. No. 7 Q. -- in the sentence I just read? 8 A. No. 9 Q. All right. Let's break this down. You 10 write, quote, Gush is a great guy, that is why 11 we should be back on that team. Were you 12 referring to Barnes' team? 13 A. I was referring to the officers that 14 worked for Barnes, not Barnes. To clarify. 15 Q. Were you referring -- you said -- 16 A. I wrote this from my personal notes. 17 Q. I understand. 18 A. And I was referring to myself saying 19 that the guys were great and they were officers 20 that would back us up. I was not referencing 21 Barnes in any capacity. 22 Q. Okay. So when you wrote, Gush is a 23 great guy, that is why we should be put back on 24 that team, you weren't referring to the existing</p>	<p style="text-align: right;">Page 399</p> <p>1 Q. Okay. 2 A. But you're taking one sentence out of 3 context of an entire conversation. And these 4 are summary notes. 5 Q. Okay. 6 MR. KING: I'm going to take a very 7 short break. 8 MR. SMITH: Sure. 9 (Whereupon, a short break was 10 taken.) 11 BY MR. KING: 12 Q. Officer Spalding, you testified that 13 during the period that you felt you were being 14 subjected to retaliation and you had a number of 15 conversations with Juan Rivera, correct? 16 A. Yes. 17 Q. Okay. Do you recall whether you ever 18 specifically asked Juan Rivera to open a CR 19 investigation? 20 A. Multiple times. 21 Q. Okay. And -- okay. And do you recall 22 what his responses would be to that inquiry? 23 A. Hang in there, it's going to get 24 better.</p>
<p style="text-align: right;">Page 398</p> <p>1 team under Sergeant Barnes? 2 A. Not under Sergeant Barnes. To work 3 with the team, not the supervisor. 4 Q. So your desire was to work on a team 5 with all of Sergeant Barnes' officers, but not 6 under Sergeant Barnes? 7 A. I would have loved to work with those 8 guys again, but not with Sergeant Barnes. 9 Q. Okay. 10 A. Correct. 11 Q. And when you say, it's the safest place 12 for us, that's why we were not put back there, 13 you were talking about Sergeant Barnes' team, 14 correct? 15 A. I was talking about the officers from 16 Sergeant Barnes' team. 17 Q. Okay. 18 A. And that was my personal opinion. 19 Q. Okay. But you indicated in here that 20 you told Guishnere that you wouldn't be mad if 21 he asked Sergeant Barnes how come you and Danny 22 didn't come back to Sergeant Barnes' team, 23 correct? 24 A. Correct.</p>	<p style="text-align: right;">Page 400</p> <p>1 Q. Okay. Do you -- strike that. 2 A question about Lieutenant Pascua. Do 3 you ever recall anyone suggesting to you that 4 Lieutenant Pascua might have a problem with you 5 because you were a female police officer? 6 A. No, that's inaccurate. They said she 7 had a problem with anybody female. 8 Q. Okay. So someone told you that 9 Lieutenant Pascua had a problem with females? 10 A. With -- in general. 11 Q. Okay. Who do you recall -- 12 A. I don't recall. 13 Q. -- telling you that? 14 A. I don't recall at this moment, I don't. 15 Q. Is it your belief that any of the 16 issues you had with Lieutenant Pascua was 17 because you were a female? 18 A. No. I believe that they were because 19 of the investigation. 20 Q. Okay. I think I've asked you with 21 respect to each of the individual Defendants, 22 but I will ask you an overall question. With -- 23 with respect to each of the individual 24 Defendants, Rivera, Kirby, O'Grady, Roti,</p>

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<p style="text-align: right;">Page 401</p> <p>1 Sadowski, Pascua, Stanley, Barnes, Cesario, 2 Salemme and Mills, other than what you've 3 already testified to, is there -- are there any 4 incidents of alleged retaliation that you're 5 claiming in this lawsuit that were engaged in by 6 any of those individual Defendants?</p> <p>7 A. Like I stated throughout this 8 deposition, there are so many incidents. But at 9 this time to the best of my recollection, I have 10 given you all the information.</p> <p>11 Q. Okay.</p> <p>12 MR. KING: I don't believe I have any 13 further questions.</p> <p>14 THE WITNESS: Are you kidding me? All 15 right.</p> <p>16 MR. SMITH: No questions. I think we 17 will reserve.</p> <p>18 FURTHER DEPONENT SAITH NOT. (The deposition concluded at 20 6:43 p.m.)</p>	<p style="text-align: right;">Page 403</p> <p>1 indirectly in the outcome of this action. 2 3 IN WITNESS WHEREOF, I do hereby set my 4 hand at Chicago, Illinois, this 24th day of 5 November, 2014. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Certified Shorthand Reporter 22 CSR Certificate No. 084-004022 23 24</p>
<p style="text-align: right;">Page 402</p> <p>1 CERTIFICATE OF OFFICER 2 3 I, SUSAN HASELKAMP, a Certified Shorthand 4 Reporter of the State of Illinois, do hereby 5 certify: 6 7 That previous to the commencement of the 8 examination of the witness, the witness was duly 9 sworn to testify the whole truth concerning the 10 matters herein; 11 12 That the foregoing deposition transcript 13 was reported stenographically by me, was 14 thereafter reduced to typewriting under my 15 personal direction and constitutes a true record 16 of the testimony given and the proceedings had; 17 18 That the said deposition was taken before 19 me at the time and place specified; 20 21 That I am not a relative or employee or 22 attorney or counsel, nor a relative or employee 23 of such attorney or counsel for any of the 24 parties hereto, nor interested directly or</p>	<p style="text-align: right;">Page 404</p> <p>1 2 I N D E X 3 WITNESS EXAMINATION 4 SHANNON MARIE SPALDING, 5 By Mr. King.....3 6 7 8 9 10 E X H I B I T S 11 NUMBER MARKED FOR ID 12 Spalding Deposition Exhibit 13 14 1.....19 15 2.....103 16 3.....199 17 4.....212 18 5.....260 19 6.....307 20 7.....312 21 8.....313 22 9.....339 23 10.....341 24 11.....350 25 12.....386</p>

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<p>1 DEPOSITION ERRATA SHEET</p> <p>2 Assignment No. 239697</p> <p>3 Chicago Police Officers Shannon Spalding and</p> <p>4 Daniel Echeverria vs. City of Chicago, et al.</p> <p>5 DECLARATION UNDER PENALTY OF PERJURY</p> <p>6</p> <p>7 I declare under penalty of perjury that I</p> <p>8 have read the entire transcript of my Deposition</p> <p>9 taken in the captioned matter or the same has</p> <p>10 been read to me, and the same is true and</p> <p>11 accurate, save and except for changes and/or</p> <p>12 corrections, if any, as indicated by me on the</p> <p>13 DEPOSITION ERRATA SHEET hereof, with the</p> <p>14 understanding that I offer these changes as if</p> <p>15 still under oath.</p> <p>16</p> <p>17 Signed on the _____ day of</p> <p>18 _____, 2014.</p> <p>19</p> <p>20 _____</p> <p>21 SHANNON MARIE SPALDING</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 405</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 SHANNON MARIE SPALDING</p>
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<u>OFFICER</u>	<u>BEAT</u>	<u>ROLE</u>	<u>Q_LAST</u>	<u>Q_FIRST</u>	<u>CB_NO</u>	<u>STAT_DESCR</u>	<u>TYPE</u>	<u>ARREST_DATE</u>
SPALDING SHANNON 5754		SAO	DILLARD	TERRA	1832713	ISSUANCE OF WARRANT		21-Jun-2012
SPALDING SHANNON 5752		SAO	TURNER	JERREL	1901564	ISSUANCE OF WARRANT		14-Jun-2012
SPALDING SHANNON 5752		SAO	KRABBE	EDWARD	2165586	VIOL SEX OFFENDER REGISTATI	F	12-Jun-2012
SPALDING SHANNON 5752		AAO	MORGIA	JOSE	1371109	ROBBERY	F	08-Jun-2012
SPALDING SHANNON 5752		SAO	REED	SHAUNDE	1283051	ISSUANCE OF WARRANT		06-Jun-2012
SPALDING SHANNON 5752		SAO	COOK	MARCUS	743115	ISSUANCE OF WARRANT		06-Jun-2012
SPALDING SHANNON 5752		SAO	PALM	RENATA	775322	BATTERY - CAUSE BODILY HAR	M	02-Jun-2012
SPALDING SHANNON 5754		SAO	GORDEN	JAMES	351892	DOMESTIC BATTERY - PHYSICA	M	09-May-2012
SPALDING SHANNON 5752		FAO	COOK	ALLEN	1951186	BURGLARY/VSCH/DAY CARE/WO	F	04-May-2012
SPALDING SHANNON 5752		AAO	PINKERTON	JESSE	1360917	MURDER - FIRST DEGREE	F	02-May-2012
SPALDING SHANNON 5752		SAO	CHOATES	WILLIAM	620465	VIOL SEX OFFENDER REGISTATI	F	21-Apr-2012
SPALDING SHANNON 5752		AAO	HOUSTON	GREGORY	777585	ISSUANCE OF WARRANT		20-Apr-2012
SPALDING SHANNON 5752		AAO	GREEN	JOHN	1506608	AGG BATTERY/DISCHARGE FIR	F	20-Apr-2012
SPALDING SHANNON 5752		SAO	BROWN	ISHANNA	1919741	BATTERY - MAKE PHYSICAL CO	M	19-Apr-2012
SPALDING SHANNON 5752		FAO	MORRIS	LASHORA	1108937	BATTERY - CAUSE BODILY HAR	M	12-Apr-2012
SPALDING SHANNON 5752		FAO	NASH	MARTELL	1254261	DOMESTIC BATTERY - BODILY H	M	05-Apr-2012
SPALDING SHANNON 5752		SAO	ALEXANDER	ZAVIER	1632311	AGG BATTERY/PEACE OFFICER	F	03-Apr-2012
SPALDING SHANNON 5752		SAO	POUNCY	TROY	18377372	CANNABIS - POSSESS 30-500 GRM	F	03-Apr-2012
SPALDING SHANNON 5753		AAO	STARKEY	LUTHER	1332690	ISSUANCE OF WARRANT		28-Mar-2012
SPALDING SHANNON 5752		AAO	HOWARD	KIMANTI	1497596	DOMESTIC BATTERY - BODILY H	M	27-Mar-2012
SPALDING SHANNON 5752		AAO	BONDS	YASHUA	1262976	DOMESTIC BATTERY - BODILY H	M	24-Mar-2012
SPALDING SHANNON 5752		SAO	BERNARD	WALTER	1034707	ISSUANCE OF WARRANT		22-Mar-2012



# Exhibit D

**DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO**

December 02, 2014  
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		Page 1	Page 3
1	IN THE UNITED STATES DISTRICT COURT		
2	FOR THE NORTHERN DISTRICT OF ILLINOIS		
3	EASTERN DIVISION		
4	CHICAGO POLICE OFFICERS )	1	(Whereupon, the witness was duly
5	SHANNON SPALDING and )	2	sworn.)
6	DANIEL ECHEVERRIA, )	3	DANIEL ECHEVERRIA,
7	Plaintiffs, )	4	having been first duly sworn, was examined and
8	vs. )	5	testified as follows:
9	) No. 12 C 8777	6	EXAMINATION
10	)	7	BY MR. KING:
11	CITY OF CHICAGO, Chicago )	8	Q. Let the record reflect that this is the
12	Police Chief JUAN )	9	deposition of one of the Plaintiffs, Daniel
13	RIVERA, Chicago Police )	10	Echeverria, being taken pursuant to notice and
14	Chief DEBRA KIRBY, )	11	in agreement of the parties and pursuant to
15	Chicago Police Commander )	12	applicable provisions of the Federal Rules of
16	JAMES O'GRADY, Chicago )	13	Civil Procedure and Federal Rules of Evidence.
17	Police Chief NICHOLAS )	14	Mr. Echeverria, can you state your full
18	ROTI, Chicago Police Lt. )	15	name and spell your last name for the record.
19	KEVIN SADOWSKI, Chicago )	16	A. Daniel M. Echeverria,
20	Police Lt. DEBORAH )	17	E-C-H-E-V-E-R-R-I-A.
21	PASCUA, Chicago Police )	18	Q. And have you ever given a deposition
22	Commander ADRIENNE )	19	before?
23	STANLEY, Chicago Police )	20	A. No.
24	Sergeant MAURICE BARNES, )	21	Q. Okay. I know you were here for your
	Chicago Police Lt. )	22	partner's deposition.
	ROBERT CESARIO, Chicago )	23	A. Yes.
	Police Commander JOSEPH )	24	Q. I'm sure you've got a general sense of
	SALEMME, Chicago Police )		
	Sergeant THOMAS MILLS, )		
	Defendants. )		
	The deposition of DANIEL ECHEVERRIA,		
	called for examination, taken pursuant to the		
	provisions of the Code of Civil Procedure and		
	the Rules of the Supreme Court of the State of		
	Illinois pertaining to the taking of depositions		
	for the purpose of discovery taken before		
	SUSAN HASELKAMP, CSR No. 084-004022, Certified		
	Shorthand Reporter of said state, on		
	December 2, 2014, at the hour of 9:20 a.m. at		
	191 North Wacker Drive, Suite 3700, Chicago,		
	Illinois, pursuant to notice.		
	APPEARANCES:	Page 2	Page 4
	CHRISTOPHER SMITH TRIAL GROUP,	1	what's going to go on here. I'll be asking you
	MR. CHRISTOPHER R. SMITH,	2	questions that you've been sworn to answer
	One North LaSalle Street	3	truthfully under oath. If you don't understand
	Suite 3040	4	any of my questions or if I'm speaking too fast,
	Chicago, Illinois 60602	5	feel free to let me know and I'll try to repeat
	(312) 432-0400	6	the question or rephrase it. Okay?
	office@crstrialgroup.com	7	A. Correct.
	Representing the Plaintiffs;	8	Q. Okay. And, again, verbal answers are
		9	very important for the court reporter, as it's
	DRINKER, BIDDLE & REATH LLP, by	10	difficult for her to take down nods of the head
	MR. ALAN S. KING and	11	and uh-huhs and things like that. So I'd ask
	MS. NOREEN H. CULL,	12	you to respond verbally.
	191 North Wacker Drive	13	A. Understood.
	Suite 3700	14	Q. Okay. And it's also difficult for the
	Chicago, Illinois 60606-1698	15	court reporter if we're both talking at the same
	(312) 569-1334	16	time to take that down, so I'm going to do my
	alan.king@dbr.com	17	best to let you finish your answers if you do
	noreen.cull@dbr.com	18	your best to let me finish my questions before
	Representing the Defendants.	19	you start speaking, okay?
		20	A. Understood.
	ALSO PRESENT: MS. SHANNON SPALDING	21	Q. Thank you.
		22	Officer Echeverria, you're currently
		23	employed by the City as a Chicago Police
		24	Officer, correct?

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<p>1 A. That's accurate.</p> <p>2 Q. Okay. And you joined the force in</p> <p>3 1999?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. What's your current home</p> <p>6 address?</p> <p>7 A. 5621 North Mulligan Avenue, Chicago,</p> <p>8 Illinois 60646.</p> <p>9 Q. And how long have you lived at that</p> <p>10 address?</p> <p>11 A. About ten years.</p> <p>12 Q. Okay. And are you married?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Does your wife live with you at</p> <p>15 that address?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Any kids?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And they live with you at that</p> <p>20 address?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And since 1999, have you had any</p> <p>23 employment other than with the City of Chicago?</p> <p>24 A. No.</p>	Page 5	<p>1 Q. Okay. Any other college?</p> <p>2 A. No.</p> <p>3 Q. Okay. Can you tell me starting in 1999</p> <p>4 when you joined the force as best as you can</p> <p>5 recall, kind of taking me chronologically</p> <p>6 through the positions that you had and, to the</p> <p>7 extent you can remember, who your supervisors or</p> <p>8 sergeants were up until the time you were</p> <p>9 detailed to Detached Services?</p> <p>10 A. Sure.</p> <p>11 Q. Thanks.</p> <p>12 A. I started obviously at the academy,</p> <p>13 graduated the academy in February, 2000. I was</p> <p>14 assigned or detailed to the 1st District. I</p> <p>15 worked all watches there, days, afternoons,</p> <p>16 midnights. Supervisors rotate. At that time I</p> <p>17 want to say I completed my PPO status there, as</p> <p>18 well. And then I worked primarily midnights and</p> <p>19 eventually moved to days.</p> <p>20 Q. Okay.</p> <p>21 A. Then I worked a gang and tactical unit</p> <p>22 as well as a housing unit. And I also did</p> <p>23 saturation prior to going to gang and tactical.</p> <p>24 Q. Okay.</p>	Page 7
<p>1 Q. Okay.</p> <p>2 A. Let me rephrase that. Some part-times</p> <p>3 or something like that.</p> <p>4 Q. Okay.</p> <p>5 A. Side part-times.</p> <p>6 Q. Okay. Doing like security?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. I used to -- I have a degree in medical</p> <p>10 imaging --</p> <p>11 Q. Okay.</p> <p>12 A. -- so I did some medical imaging work</p> <p>13 for -- at some hospitals.</p> <p>14 Q. Okay. And you mentioned your degree.</p> <p>15 Why don't you tell me about your educational</p> <p>16 background. Where did you attend college or get</p> <p>17 your degree?</p> <p>18 A. I'm sorry?</p> <p>19 Q. Where did you attend college or get</p> <p>20 your degree?</p> <p>21 A. It's a two-year degree, Triton College.</p> <p>22 Q. And was that before you entered the</p> <p>23 police force?</p> <p>24 A. Correct.</p>	Page 6	<p>1 A. And then I went to Narcotics. Well, we</p> <p>2 got borrowed out to Narcotics, then eventually</p> <p>3 assigned to Narcotics and then detailed to 543.</p> <p>4 Q. Okay.</p> <p>5 A. The 045 Academy, the -- or 044, the</p> <p>6 retread thing.</p> <p>7 Q. Okay.</p> <p>8 A. And then the --</p> <p>9 Q. We can stop.</p> <p>10 A. Okay.</p> <p>11 Q. You've gotten to when you were detailed</p> <p>12 to Detached Services, right?</p> <p>13 A. Yeah.</p> <p>14 Q. The 543?</p> <p>15 A. Correct.</p> <p>16 Q. Yeah, we'll get into that in a little</p> <p>17 more detail.</p> <p>18 A. All right.</p> <p>19 Q. Thank you. And when did Officer</p> <p>20 Spalding become your partner?</p> <p>21 A. In the 1st District during the housing</p> <p>22 tactical team.</p> <p>23 Q. Okay. And has she remained your</p> <p>24 partner ever since then at least up until the</p>	Page 8

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<p>1 time she went on medical leave?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So consistently since then?</p> <p>4 A. Well, when we went to Narcotics, she</p> <p>5 went to work Narcotics West, I went to work</p> <p>6 Narcotics South or Central, whatever you want to</p> <p>7 call it, Area 1.</p> <p>8 Q. So you and Officer Spalding were</p> <p>9 partners for some period of time --</p> <p>10 A. Yes.</p> <p>11 Q. -- before you got to Narcotics and then</p> <p>12 you were split up for a period of time --</p> <p>13 A. Right.</p> <p>14 Q. -- and then you came back together as</p> <p>15 partners; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Do you recall how long you were</p> <p>18 in Narcotics when you were not Officer</p> <p>19 Spalding's partner?</p> <p>20 A. I cannot give you an exact. I went to</p> <p>21 work on one team, she went to work on a</p> <p>22 different team. I can't even approximate.</p> <p>23 Q. Okay.</p> <p>24 A. I would just like to give you an</p>	Page 9	<p>1 evidence of illegal activity being committed by</p> <p>2 various Chicago Police Officers. In the next</p> <p>3 paragraph it indicates that one of those</p> <p>4 officers was Sergeant Ronald Watts.</p> <p>5 A. That's in Paragraph 21?</p> <p>6 Q. Yes.</p> <p>7 A. So 20 and 21?</p> <p>8 Q. Yes.</p> <p>9 A. Okay.</p> <p>10 Q. Were you personally involved in</p> <p>11 uncovering any illegal activity of Sergeant</p> <p>12 Watts?</p> <p>13 A. Yes.</p> <p>14 Q. What illegal activity did you or your</p> <p>15 partner uncover?</p> <p>16 A. What didn't I uncover, is more like the</p> <p>17 question.</p> <p>18 Q. Tell me what you uncovered.</p> <p>19 A. I uncovered that Ronald Watts was</p> <p>20 extorting money from drug dealers, stealing</p> <p>21 narcotics themselves, selling narcotics to rival</p> <p>22 gangs or rival buildings.</p> <p>23 Q. Okay.</p> <p>24 A. Basically he was facilitating the</p>	Page 11
<p>1 accurate answer, so I'd rather just...</p> <p>2 Q. Okay. And you're currently in the</p> <p>3 Fugitive Apprehension Unit, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And are you on Sergeant Stack's team?</p> <p>6 A. That is correct.</p> <p>7 Q. And that's on the second watch --</p> <p>8 A. That's days.</p> <p>9 Q. -- over on days?</p> <p>10 A. That's correct.</p> <p>11 (Whereupon, Echeverria</p> <p>12 Deposition Exhibit No. 1 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. KING:</p> <p>15 Q. Officer Echeverria, I'm showing you</p> <p>16 what's been marked as Echeverria Deposition</p> <p>17 Exhibit No. 1.</p> <p>18 It's your Amended Complaint in the</p> <p>19 litigation. Have you seen this document before?</p> <p>20 A. Yes.</p> <p>21 Q. And if I could direct your attention to</p> <p>22 Paragraph 20 of the Amended Complaint, which</p> <p>23 indicates, in 2007 while working an undercover</p> <p>24 Narcotics investigation, Plaintiffs uncovered</p>	Page 10	<p>1 narcotics trade.</p> <p>2 Q. Okay. And --</p> <p>3 A. And participating in a criminal</p> <p>4 enterprise, if you ask me.</p> <p>5 Q. Okay. And did you discover this</p> <p>6 activity when you were working for CHA -- or in</p> <p>7 the CHA?</p> <p>8 A. I discovered that during debriefings of</p> <p>9 arrestees.</p> <p>10 Q. Okay.</p> <p>11 A. Who had already committed a controlled</p> <p>12 sale or buy, so undercover.</p> <p>13 Q. Okay. So the arrestees would talk</p> <p>14 about things that Sergeant Watts was engaged in?</p> <p>15 A. Yes.</p> <p>16 Q. And that's how you learned of that?</p> <p>17 A. Correct.</p> <p>18 Q. And at some point did you or your</p> <p>19 partner, Officer Spalding, report anything that</p> <p>20 you had learned about Sergeant Watts to anyone</p> <p>21 within the Chicago Police Department?</p> <p>22 A. Yes.</p> <p>23 Q. And who did you report it to?</p> <p>24 A. Well, I brought it -- well, what I did</p>	Page 12

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<p style="text-align: right;">Page 13</p> <p>1 is at that time, I had a sergeant -- let me    2 think of his name. Give me a second. Roderick    3 Watson.    4 Q. Okay.    5 A. Was the immediate supervisor.    6 Q. And are you saying you reported it to    7 Sergeant Watson?    8 A. I had Sergeant Watson come upstairs    9 where the arrestee was being processed for his    10 debriefing by myself.    11 Q. Okay.    12 A. Where he had shared some information    13 regarding Ronald Watts. The arrestee asked for    14 a supervisor.    15 Q. Okay.    16 A. So at that time, it was Sergeant    17 Roderick Watson. I told Sergeant Watson if he    18 could come upstairs with me, the arrestee is    19 asking to speak to a supervisor. And he's ready    20 to come downstairs since my processing was    21 pretty much complete. And the arrestee repeated    22 to me, to Sergeant Watson. So at that point,    23 yes, it was reported to him.    24 Q. Okay. So Sergeant Watts comes to the</p>	<p style="text-align: right;">Page 15</p> <p>1 He brings dope in for us, everything.    2 Q. Okay.    3 A. And it just went ignored.    4 Q. Okay.    5 A. And then we just took him downstairs to    6 be processed.    7 Q. Okay. Was that the only occasion where    8 you -- strike that.    9 Was that the only occasion where    10 Sergeant Watson was present where an arrestee    11 was disclosing some criminal activity of    12 Sergeant Watts?    13 A. Yes.    14 Q. Were there any other occasions where    15 any other supervisors or white shirts were    16 present when an arrestee was disclosing alleged    17 criminal activity by Sergeant Watts?    18 A. No.    19 Q. No?    20 A. No.    21 Q. Okay. And separate and apart from    22 Sergeant Watson being present in the meeting    23 with the arrestee you just discussed --    24 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 room --    2 A. Watson.    3 Q. Watson, I'm sorry, comes to the room    4 and it's just you, Sergeant Watson and the    5 arrestee; is that correct?    6 A. Correct.    7 Q. Tell me what the arrestee explains at    8 that time.    9 A. At that time the arrestee asked if he    10 was a white shirt. Sergeant Watson replied,    11 yes. Then he said, I'm not going to go down for    12 this petty shit, is what he said, when they have    13 white shirts, and he named Ronald Watts,    14 stealing and doing his own dope line in the Ida    15 B. Wells complex.    16 Q. Okay. Do you recall anything else    17 being said in that meeting?    18 A. Yes. Then Sergeant Watson said, I'm    19 not trying to hear your shit.    20 Q. Okay. Do you recall anything else said    21 in that meeting?    22 A. And then he just -- the arrestee kept    23 repeating it and told him, man, this guy    24 really -- I mean, he steals, he does everything.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. -- did you otherwise report Sergeant    2 Watts' alleged criminal activity to anyone else    3 within the Chicago Police Department?    4 A. Later on when we did meet with Tina    5 Skahill.    6 Q. Okay. And do you recall when    7 approximately that meeting was?    8 A. I can't give you the definite date. I    9 know it was in August, I don't know.    10 Q. Okay.    11 A. If you let me refer to the Complaint,    12 I'll tell you what year.    13 Q. That's fine.    14 A. It's in the Complaint.    15 Q. Okay. We'll talk about that later.    16 A. All right.    17 Q. But the meeting you're talking about    18 with Tina Skahill --    19 A. That's forward.    20 Q. -- what you were reporting to her is    21 after you have already been working on the Watts    22 investigation with the FBI, correct?    23 A. Correct.    24 Q. Okay. If I could direct your attention</p>

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<p style="text-align: right;">Page 17</p> <p>1 now to Paragraph 23 of the Amended Complaint.    2 It indicates that in 2007 while off duty, the    3 Plaintiffs reported to FBI Special Agent PS the    4 illegal activity by Sergeant Watts and others    5 who worked with him. PS is Patrick Smith,    6 correct?    7 A. Correct.    8 Q. Okay. And do you recall how that    9 information was reported to Patrick Smith? Was    10 there a meeting or a telephone call?    11 A. There was multiple conversations. I    12 couldn't tell you if it was over the phone or    13 was it in person where that Watts topic came up.    14 Q. Do you recall the first such    15 conversation?    16 A. It's so far back. I mean, there's so    17 many conversations that transpired.    18 Q. Okay. Well, initially you or your    19 partner makes the decision to contact the FBI.    20 Do you recall if you made that contact or    21 Officer Spalding did or both of you together?    22 A. It may have been both of us.    23 Q. Okay. And you don't recall whether    24 that initial contact was a phone call or a</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Yes.    2 A. -- he responded what he responded and    3 then we took him down to be processed.    4 Q. Yes.    5 A. And I needed to complete my debriefing    6 form, a document for it. And I asked Sergeant    7 Watson, I said, Sarge, how do you want to make    8 this debriefing? Do you want to make it a    9 negative or a positive, you know, with what he    10 said. He said, make that shit a negative.    11 So at that point, my understanding was    12 maybe, you know, he was going to do a    13 confidential investigation or something and he    14 didn't want to reflect that in the report, then    15 it would take away from the confidential matter    16 that I would assume it would turn into.    17 Q. Okay.    18 A. So that's what I wanted to elaborate on    19 that.    20 Q. Okay. So when that was all    21 processed --    22 A. Right.    23 Q. -- you were under the impression that    24 Sergeant Watson might initiate a confidential</p>
<p style="text-align: right;">Page 18</p> <p>1 meeting?    2 A. It's hard to say.    3 Q. Okay. Do you know how long after the    4 situation you testified to with Sergeant Watson    5 being present when the arrestee provided    6 information about Sergeant Watts, how long after    7 that did you or your partner reach out to the    8 FBI?    9 A. It can't be much time lapse.    10 Q. Okay. Are we talking days?    11 A. Like I said, it's a short period of    12 time. It was definitely not months or years or    13 anything like that.    14 Q. Okay. What's your best estimate of how    15 much time past, a few days?    16 A. Well, can we backtrack it a little bit    17 to the Watson situation? I'd like to elaborate    18 on that, too, and maybe that will make sense    19 with this one. Or do you want to continue    20 forward? It's up to you.    21 Q. What more do you have to say about the    22 Watson situation?    23 A. Well, when the arrestee communicated    24 the information to Sergeant Watson --</p>	<p style="text-align: right;">Page 20</p> <p>1 investigation?    2 A. Correct.    3 Q. Okay. Does that help you recall how    4 much time past between --    5 A. It was a short period --    6 Q. -- of when you contacted the FBI?    7 A. It was a short period of time. I know    8 that when we did make contact with the agent, it    9 was on our personal time, our off time. It was    10 never during duty time.    11 Q. Okay.    12 A. Like I said, it may have been a very    13 short period of time. I can't tell you that    14 months went by or anything like that.    15 Q. Okay.    16 A. Because I assumed everything was going    17 to be handled, but other incidents kept coming    18 up. And I just said, well, I don't think it's    19 being handled.    20 Q. Okay. And in Paragraph 24 you say that    21 you and Officer Spalding continued meeting with    22 Patrick Smith intermittently through 2008; is    23 that correct?    24 A. Yes.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. And is it your testimony that at 2 that time you never had a meeting or a phone 3 conversation with Patrick Smith about the Watts 4 matter during your regular work hours, is that 5 your testimony?</p> <p>6 A. Well, he would try and reach out, but 7 I -- during work time and it was not the right 8 thing to address at that time while we were 9 working, or at least when I was working.</p> <p>10 Q. Okay.</p> <p>11 A. So I tried to do everything in my 12 personal time.</p> <p>13 Q. Okay. I understand you're trying to do 14 that. But did you also do some work with the 15 FBI on the Watts investigation during your work 16 hours?</p> <p>17 A. Once we got assigned to Brass Tax, yes.</p> <p>18 Q. Now, the work that you and Officer 19 Spalding did on Operation Brass Tax --</p> <p>20 A. Yes.</p> <p>21 Q. -- would it be fair to say it consisted 22 of you managing and getting information from the 23 confidential informant?</p> <p>24 A. Absolutely, yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. Do you recall was it August, 2008?</p> <p>2 A. That sounds right.</p> <p>3 Q. Okay. And prior to that August, 2008 4 meeting, were you aware of any CPD officers at 5 any level that were aware of your and Officer 6 Spalding's involvement in the Watts 7 investigation?</p> <p>8 A. Not at that time.</p> <p>9 Q. Okay. So during that time -- strike 10 that.</p> <p>11 Paragraph 26 talks about an August, 12 2008 meeting. Were you present at that 13 meeting?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Can you tell me who all was 16 present at the August, 2008 meeting?</p> <p>17 A. It was Chief Skahill, her 18 administrative staff, which consisted of -- give 19 me a second to think of the lady's name. 20 Barbara West was a lieutenant I believe at that 21 time.</p> <p>22 Q. Okay.</p> <p>23 A. There was a Sergeant Tom Chester, who 24 was an FBI confidential liaison, my partner,</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. And that was your role in the 2 investigation, correct?</p> <p>3 A. Yeah, to acquire information, 4 intelligence, develop the CI, which we had 5 developed, set up scenarios in conjunction with 6 the FBI and IAD Confidentials.</p> <p>7 Q. And the CI was a confidential 8 informant, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And then at some point in time -- well, 11 strike that.</p> <p>12 Let's look at Paragraph 25, which 13 indicates that after approximately a year or so 14 of speaking with the FBI in your personal 15 capacities, the FBI agents were -- began to 16 request more time and that you and/or Officer 17 Spalding responded that you -- if they wanted 18 more of your time, it would have to be conducted 19 through the Chicago Police Department; is that 20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And there was a meeting that's 23 alleged in the next paragraph in August of 2008.</p> <p>24 A. Okay.</p>	<p style="text-align: right;">Page 24</p> <p>1 myself and Patrick Smith.</p> <p>2 Q. Okay. And your partner is Officer 3 Spalding?</p> <p>4 A. That is correct.</p> <p>5 Q. And as best as you can recall, what do 6 you recall being discussed in that meeting or 7 said by any of the participants in the meeting?</p> <p>8 A. Well, when we entered the room, we had 9 seen Patrick Smith in there already and we were 10 surprised to see him there.</p> <p>11 Q. Okay.</p> <p>12 A. We were asked to have a seat. Tina 13 Skahill, Chief Skahill commended us for coming 14 forward. She said it was a very important 15 investigation to the department as well as the 16 agency; however, it's pretty much going to be 17 governed by the outside agency, the federal 18 agency. And she introduced her staff, which was 19 Tom Chester.</p> <p>20 Q. Did Chief Skahill indicate in the 21 meeting that there was already an ongoing 22 investigation of Sergeant Watts that she was 23 aware of?</p> <p>24 A. Yes.</p>

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Page 25	Page 27
<p>1 Q. Okay. And did she indicate how long 2 that investigation had been going on? 3 A. No, she did not. 4 Q. Okay. I'm sorry, continue. What else 5 do you recall being said in the meeting? 6 A. She kind of briefly asked us the nature 7 of how we came about with Watts, we just gave 8 her a quick synopsis of it, we discussed our 9 safety, we discussed many topics, our concerns 10 regarding our identity, she discussed as well 11 as -- she assured us that, you know, it would be 12 a very confidential matter and that nobody 13 outside this room knows about it. And we went 14 on and emphasized about if our identity was 15 compromised, what that would do to us. And she 16 said, we wouldn't do that to you, especially if 17 you're coming forward in a serious matter as 18 this one. 19 Q. Okay. 20 A. Because we were concerned of this code 21 of silence. 22 Q. Did Chief Skahill say that nobody 23 outside of that room knew about it at that point 24 in time?</p>	<p>1 Q. Okay. 2 A. We discussed assignment of cars and 3 radios. We weren't aware of who we were to 4 report to. That's when she said, you will 5 report directly, and pointed to Tom Chester. 6 He's going to be your immediate supervisor. 7 Q. Okay. 8 A. And also you will work, of course, with 9 Agent Smith. 10 Q. Okay. And was she telling you you were 11 to report to FBI headquarters? 12 A. Yes, 2111 West Roosevelt. 13 Q. Okay. Do you remember the phrase need 14 to know, something about need to know coming up 15 in that meeting? 16 A. Like I said, it's so long ago, I 17 just -- 18 Q. You don't recall? 19 A. -- I don't recall at this time. 20 Q. Okay. But you understood by the end of 21 that meeting, if you didn't know it already, 22 that there had been an ongoing investigation of 23 Sergeant Watts even before you and Officer 24 Spalding got involved, correct?</p>
Page 26	Page 28
<p>1 A. She said that basically the people in 2 this room know about it. I want to also say she 3 mentioned the name of Brust. 4 Q. Okay. 5 A. And possibly Kirby. 6 Q. She may have mentioned Brust and Kirby? 7 A. Yes. And the reason I say Brust for 8 sure, because when she went along in discussing 9 the nature of the assignment, she said it would 10 have to go through Kirby or Brust for approval 11 of how we were going to manage the detail to 12 keep it as confidential as possible. 13 Q. Okay. 14 A. And of course the supe. 15 Q. Okay. 16 A. Which I took that as the 17 superintendent. 18 Q. Okay. And was there some discussion 19 about a need to know, that only people with a 20 need to know would have knowledge? 21 A. We were ordered to keep this quiet as 22 possible, not to discuss this with anyone. 23 Q. Okay. 24 A. Which we did not.</p>	<p>1 A. Yes. 2 Q. Okay. Did you learn that in that 3 meeting or had you already known that? 4 A. No. I learned that coming out of that 5 meeting. 6 Q. Okay. 7 A. And then once we were in the FBI, we 8 knew for sure that the department was well aware 9 of what Ronald Watts was doing, along with 10 others. 11 Q. Sure. And others including Officer 12 Mohammed? 13 A. Mohammed and others. 14 Q. Okay. Did you come to learn how long 15 the FBI and CPD had been investigating -- 16 A. Damn near a decade. 17 Q. Okay. 18 A. Sorry, my language. I'm just -- 19 Q. That's okay. So you understood the FBI 20 and CPD had been investigating officers, 21 including Ronald Watts and Officer Mohammed, for 22 nearly a decade before 2008; is that fair? 23 A. Yes. 24 Q. Okay. And after the August -- strike</p>

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1 that. 2 Other than what you've testified to, do 3 you recall anything else said in that August, 4 2008 meeting? 5 A. We just strongly emphasized our 6 concerns about officer safety. 7 Q. Sure. 8 A. And she just reiterated that, you know, 9 at no time will we be compromised and she 10 commended us for coming forward. 11 Q. Okay. 12 A. We asked, well, what happens next. And 13 she said, well, what happens next is you're 14 going to work with these people. 15 Q. Okay. 16 A. So what do you say, no? 17 Q. I mean -- 18 A. I mean, what are you asking me? 19 Q. Was your work with the FBI on Operation 20 Brass Tax after that meeting, are you saying it 21 wasn't something that you and your partner 22 voluntarily agreed to and decided to do or were 23 you forced to do it? 24 A. I think it was pretty much ordered to	Page 29 1 A. Okay. 2 Q. Paragraph 30 indicates that over the 3 next several years you and your partner continue 4 to work on Operation Brass Tax. And it says 5 that during that time, you were also encouraged 6 by CPD command staff to develop other Narcotics 7 related cases; is that correct? 8 A. Yes. 9 Q. What CPD command staff encouraged you 10 to develop other Narcotics cases during this 11 period of time? 12 A. Chief Rivera. 13 Q. Anyone other than Chief Rivera? 14 A. I want to say that's it primarily. 15 Q. Okay. And during this period of time, 16 did you -- 17 A. Develop information? 18 Q. -- work on other Narcotics cases or 19 develop information for Narcotics cases? 20 A. Yes. 21 Q. And you and your partner did that 22 working with Sergeant Padar, correct? 23 A. Correct. 24 Q. Okay. Did you do any other Narcotics
Page 30 1 do so at that point. And I mean, do you say no 2 to a chief? 3 Q. I mean, was it something you wanted to 4 say no to and you felt you were being forced to 5 do? 6 A. It's kind of hard to say what I felt at 7 that time. I felt everything. 8 Q. Okay. 9 A. I felt I was ordered, I felt I needed 10 to do it, I felt it was the right thing, I felt 11 I was going to feel some consequences, I feared 12 the code of silence, I feared retaliation, I 13 felt everything. 14 Q. Okay. 15 A. Stress, everything. 16 Q. I understand. You start working on the 17 Watts investigation and reporting to the FBI. 18 And my question to you is was that something 19 that you agreed to do or you were compelled to 20 do against your wishes? 21 A. I agreed to follow an order. 22 Q. Okay. 23 A. Does that answer it? 24 Q. Yes.	Page 32 1 work or develop any other Narcotics leads 2 separate and apart from working with Sergeant 3 Padar? 4 A. Yes, we did. We had to gather as much 5 intelligence as possible in the event that 6 Ronald Watts was to be engaged so that he would 7 have something positive, because the man knows 8 what he's doing. 9 Q. Okay. Other than working I guess under 10 the direction of Sergeant Padar during this 11 period, was there any other sergeants who were 12 directing your work in developing Narcotics 13 information? 14 A. No. 15 Q. Okay. By the way, as of the time of 16 the August, 2008 meeting that you testified to, 17 do you have any personal knowledge as to whether 18 Nick Roti knew at that time that you and your 19 partner had been working with the FBI on 20 Operation Brass Tax? 21 A. To the best of my knowledge, no. 22 Q. You don't know? 23 A. (Nodding.) 24 Q. You don't know?

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1 A. No, no. 2 Q. Okay. Was there ever a time that you 3 reported to or were working with a Lieutenant 4 Cervanka? 5 A. Yes. 6 Q. Okay. What period of time was that? 7 A. That was my immediate lieutenant when I 8 got assigned to and borrowed to Narcotics. 9 Q. Okay. At any time after you started 10 working on the Watts investigation, either with 11 the FBI or later with the FBI and CPD, did you 12 work with or report to Lieutenant Cervanka? 13 A. No. 14 Q. Okay. 15 A. Our direct order from Chief Skahill was 16 to report to Tom Chester and the agent at that 17 building on Roosevelt. 18 Q. Okay. Did you ever have occasion to 19 work for or report to a Lieutenant Navarro? 20 A. No. 21 Q. During the time that you were reporting 22 to the FBI but also developing Narcotics leads 23 under the direction of Sergeant Padar, was there 24 anyone else besides Sergeant Chester that you	Page 33 1 A. Days, a week. 2 Q. Okay. 3 A. Roughly. 4 Q. Okay. So that was the plan coming out 5 of that meeting. So I assume the fact that 6 the -- the detail to Detached Services you're 7 not claiming was retaliation, are you? 8 A. No. 9 Q. Okay. 10 A. That was the way to go because they had 11 many units come out of Detached. They had the 12 Mayor's detail. 13 Q. Sure. 14 A. I think a court section, you had a City 15 Hall detail. 16 Q. Sure. 17 A. I want to say DEA, Chicago Park 18 District. I mean, there were many, many units 19 that would come out of there. And I guess that 20 was the best way in the event Watts was to look 21 something up -- 22 Q. Sure. 23 A. -- it wouldn't be very specific. 24 Q. Sure. That was the best place they
1 were reporting to at that time? 2 A. No. 3 Q. So did you tell the FBI you were 4 working on non-Watts Narcotics cases, as well? 5 A. Everything was Watts. Even the non -- 6 even what you say is non or Padar, that was 7 information that you needed to know. So in the 8 event Watts was to become a scenario, you have a 9 positive lead to give Watts, because he would 10 know if something was false or not. 11 Q. Okay. So all of the Narcotics leads 12 and work you did while you were reporting to the 13 FBI and working with Sergeant Padar, you felt 14 was related to the Watts investigation? 15 A. Absolutely. 16 Q. Okay. 17 A. Watts was a big Narcotics person. 18 Q. Okay. I'm assuming the decision 19 itself -- well, strike that. 20 You were detailed to Detached Services 21 shortly -- was it shortly after the August, 2008 22 meeting? 23 A. Yes. 24 Q. Okay. Do you remember how soon after?	Page 34 1 thought to put you to allow you to work on this 2 confidential investigation? 3 A. Yes. 4 MR. SMITH: Objection, foundation. 5 BY MR. KING: 6 Q. Okay. And in Paragraph 31, it says, on 7 an unknown date, information that Plaintiffs had 8 reported criminal misconduct by a sworn officer 9 and were working with an outside investigation 10 was leaked within the department and became 11 known to Defendant Commander O'Grady. Is that 12 your understanding? 13 A. Yes. 14 Q. What's the basis of that allegation, 15 that this became leaked and known to Commander 16 O'Grady? 17 A. Chief Rivera stated that to us. 18 Q. Okay. And I know here it says, on an 19 unknown date. Do you have any recollection of 20 approximately when this was? 21 A. I wish I did. 22 Q. Okay. And you said Chief Rivera 23 related this to you. Was this in a meeting or a 24 phone conversation?

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<p style="text-align: right;">Page 37</p> <p>1 A. It was in a meeting. 2 Q. And was it you and Officer Spalding 3 both present? 4 A. Yes. 5 Q. And where did this meeting take place? 6 A. It could have been in his office or in 7 the hallway at headquarters. 8 Q. Okay. 9 A. He stated -- 10 Q. Was anybody else present in the 11 meeting? 12 A. No. 13 Q. Okay. What's your best recollection of 14 everything that was said in that conversation? 15 A. I'm going to keep it sweet and short. 16 He said, I may have fucked up. 17 Q. Okay. 18 A. I told Ernie Brown about you and what 19 you guys are doing. 20 Q. Okay. Do you remember Chief Rivera 21 saying anything else? 22 A. I said, why would you do that. 23 Q. Who said that? 24 A. We did, Shannon and myself.</p>	<p style="text-align: right;">Page 39</p> <p>1 harassment. And then the next paragraph talks 2 about an incident on approximately August 17, 3 2010 where O'Grady allegedly refused to approve 4 a confidential informant. 5 The August 17, 2010 incident where 6 O'Grady allegedly refused to approve a 7 confidential informant, that was the first 8 incident of alleged retaliation that you're 9 change in this lawsuit, correct? 10 A. That's what made it very apparent. 11 Q. That was the first incident of 12 retaliation that you're claiming in this 13 lawsuit, correct? 14 MR. SMITH: Objection, form of the 15 question, asked and answered. 16 THE WITNESS: Let me stop and think. I 17 mean, there were so many incidents over the 18 course of time. I don't recall if that was the 19 first or not. 20 BY MR. KING: 21 Q. Okay. Well, you're alleging that it 22 was in that month of August, 2010 when this 23 information got leaked to O'Grady, correct? 24 A. Okay.</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. 2 A. He said, I just fucked up. 3 Q. Okay. Do you recall -- 4 A. Ernie Brown at that time I think was 5 Chief of Patrol or Chief of Organized Crime or 6 something. Not Organized Crime, but he was 7 chief, as well. And -- 8 Q. Okay. Let me just -- 9 A. Okay. 10 Q. -- stop you. 11 A. That's fine. 12 Q. I just want to hear about the 13 conversation. 14 A. All right. 15 Q. Other than what you testified to, do 16 you recall anything else that you, Officer 17 Spalding or Chief Rivera, said in that 18 conversation? 19 A. I mean, that was damaging enough to 20 me. 21 Q. Is that a no? 22 A. No. 23 Q. Okay. Paragraph 33 says, in August, 24 2010 Defendant O'Grady began a campaign of</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And then you're also alleging that on 2 August 17th, O'Grady did something that you 3 allege is retaliatory, correct? 4 A. Yes. 5 Q. Correct? 6 A. Yes. 7 Q. So wouldn't you agree that the 8 August 17, 2010 incident involving the 9 confidential informant would have been the first 10 thing that you're claiming was retaliation? 11 A. Sure. Let's go ahead and say yes. 12 Q. Okay. And with respect to that 13 incident in Paragraph 34, it says that 14 Plaintiffs submitted paperwork to Defendant 15 O'Grady seeking approval of a confidential 16 informant. Although he initially approved the 17 application -- 18 A. He rescinded it. 19 Q. -- he rescinded it? 20 A. Yes. 21 Q. Do you recall that incident? 22 A. Yes, I do. 23 Q. What's the basis for your allegation 24 that he initially approved it and then rescinded</p>

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1 it?	1 floored by it.
2 A. The statement made to us by Sergeant	2 Q. Okay.
3 James Padar.	3 A. I was appalled.
4 Q. Okay. And was this an in-person	4 Q. That's assuming Padar was telling you
5 conversation?	5 the truth about the conversation with O'Grady,
6 A. Yes, yes.	6 correct?
7 Q. Was it just you and Officer Spalding	7 A. Sure, you can assume that.
8 and Officer Padar present?	8 Q. Do you recall anything else being said
9 A. Yes, he was present.	9 in that conversation?
10 Q. Okay. Was anybody else present?	10 A. Like I said, that was damaging enough
11 A. To the best of my knowledge, that was	11 to me.
12 pretty much that.	12 Q. Do you recall anything else being said
13 Q. What do you recall being said in that	13 in that conversation?
14 conversation about the subject of O'Grady and	14 A. To the best of my knowledge, that
15 this confidential informant?	15 summed it up.
16 A. James Padar said, O'Grady is not going	16 Q. Okay. There's an allegation in
17 to approve this.	17 Paragraph 34 that O'Grady initially approved the
18 Q. Okay.	18 application.
19 A. He said, scratch those two rats' names	19 A. Yes.
20 off of that package and I'll sign it. They're	20 Q. What's the basis for your understanding
21 IAD rats.	21 that he initially approved the application?
22 Q. So Padar is telling you what O'Grady	22 A. I want to say Padar said it. He
23 allegedly said to him?	23 initially approved it -- he saw your names and
24 A. Yes.	24 he said, take those -- you know what I said.
Page 42	Page 44
1 Q. Okay. Do you recall anything else said	1 Q. Okay.
2 in those -- in that conversation?	2 A. I'm just going to be repeating myself.
3 A. Yeah. And he said that our paths are	3 Q. Okay. When Padar said that he
4 not to cross again.	4 initially approved it, was it your understanding
5 Q. Padar told you that O'Grady said --	5 that O'Grady had signed the request?
6 A. That our -- they are not to cross our	6 A. I believed he did --
7 path from that moment forward again.	7 Q. Okay.
8 Q. Okay.	8 A. -- if he -- you know, a sergeant tells
9 A. And, God help them if they need some	9 you that.
10 help, it ain't coming, you're not to help them	10 (Whereupon, Echeverria
11 out.	11 Deposition Exhibit No. 2 was
12 Q. Okay.	12 marked for identification.)
13 A. Padar was very forward saying it,	13 BY MR. KING:
14 firm.	14 Q. Officer Echeverria, I'm showing you
15 Q. Okay. And do you recall anything else	15 what's been marked as Deposition Exhibit No. 2.
16 being said in that conversation?	16 I just ask you if you've ever seen this
17 A. That was damaging enough to me.	17 document before.
18 Q. Okay. That would be a no?	18 A. Yes.
19 A. It could be more. At that point I was	19 Q. And this was the request for approval
20 so shocked to hear that coming, that a commander	20 of a confidential informant that you've been
21 would say something like that.	21 testifying to, correct?
22 Q. Okay.	22 A. Yes.
23 A. There may have been more and I was just	23 Q. And is it your understanding that James
24 focused on what was just said, because I was	24 O'Grady signed this document?

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<p>1 A. I can't read the signature. But the 2 signature above commander, I would assume would 3 be his. 4 Q. And by assuming that signature is his, 5 that's why you assumed that he initially 6 approved it? 7 A. Yes. 8 Q. Okay. 9 A. Like I said, but I can't read that 10 chicken scratch. 11 Q. Okay. 12 A. Sorry. 13 Q. That's fine. 14 A. I'm assuming because it says commander 15 and his signature is right above it. 16 Q. Right. 17 A. Plus what Padar had said. 18 Q. Okay. 19 A. I mean, that was enough for me. 20 (Whereupon, Echeverria 21 Deposition Exhibit No. 3 was 22 marked for identification.) 23 BY MR. KING: 24 Q. Officer Echeverria, I'm showing you</p>	Page 45	<p>1 Defendant O'Grady ordered that the unit was not 2 to work with Plaintiffs and personnel in the 3 unit should not assist Plaintiffs. Do you see 4 that? 5 A. Yes. 6 Q. Okay. And is the basis for that 7 allegation what you've already testified to that 8 Sergeant Padar told you? 9 A. Yes. 10 Q. If you turn to the -- strike that. 11 Paragraph 36 of the Amended Complaint 12 indicates that Defendant O'Grady had 13 intentionally prohibited you and Officer 14 Spalding from earning overtime. Is that your 15 impression? 16 A. Yes. 17 Q. What's the basis for that allegation? 18 A. We could no longer participate in other 19 Narcotics intelligence as we were doing with 20 Sergeant Padar. 21 Q. Okay. So is it your testimony that 22 after Sergeant Padar related to you what 23 Commander O'Grady had allegedly said, you and 24 your partner did not do any more --</p>	Page 47
<p>1 another document that's been marked Deposition 2 Exhibit No. 3, which appears to be a copy of the 3 first page of Exhibit 2, but it has sort of a 4 note on it -- 5 A. Yes. 6 Q. -- that says Sergeant Padar. 7 A. Okay. 8 Q. Have you ever seen this version of the 9 document? 10 A. I may have, I may have not. I can't 11 tell you. 12 Q. You don't recall, okay. That's fine. 13 A. It looks like it's the same document. 14 Q. Yeah, all right. 15 As far as you can tell, Exhibit 2 and 16 Exhibit 3 are the same document, just with a 17 note on it, correct? 18 A. Correct. 19 Q. Okay. I'm directing your attention 20 back to Paragraph 35 of the Amended Complaint. 21 It states, Defendant O'Grady then informed 22 supervising personnel in the unit that 23 Plaintiffs were rats, meaning that they had 24 reported other police officers' misconduct.</p>	Page 46	<p>1 A. Correct. It was clear. 2 Q. Okay. You and your partner did not do 3 any more working-up or providing intelligence on 4 Narcotics cases? 5 A. Not -- right. 6 Q. Okay. If you'll just take a moment and 7 look at Paragraphs 38, 39 and 40 of the Amended 8 Complaint. And there are references to a 9 meeting and certain things being said. I'm just 10 asking if it's your understanding that 11 Paragraphs 38, 39 and 40 refer to a single 12 meeting. 13 A. Let me read through it. 14 Q. Sure. 15 A. Okay. What's the question? 16 Q. Is it your understanding that those 17 paragraphs refer to a single meeting? 18 A. Sure. 19 Q. Okay. And -- 20 A. I'm sorry. Unless they -- unless those 21 Defendants had other meetings. 22 Q. But you don't know whether they did or 23 not, correct? 24 A. Right.</p>	Page 48

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<p style="text-align: right;">Page 49</p> <p>1 Q. Correct?    2 A. Correct.    3 Q. Okay. But there is a reference to a    4 meeting where Defendant O'Grady allegedly said    5 certain things and Chief Roti was allegedly    6 present at the meeting --    7 A. Yes.    8 Q. -- and concurred with Defendant    9 O'Grady. How did you learn about that meeting?    10 A. Chief Rivera.    11 Q. Okay. And you and Officer Spalding    12 were not present at that meeting, correct?    13 A. No.    14 Q. Okay.    15 A. The only meeting we were present is    16 when we had it with Chief Rivera.    17 Q. Okay. And do you recall approximately    18 when Chief Rivera told you about this meeting?    19 A. It had to have been right after it, a    20 day after it. I'm sure it wasn't a week or two    21 weeks or three weeks after it. It was probably    22 an immediate time frame.    23 Q. Okay. And was that an in-person    24 conversation?</p>	<p style="text-align: right;">Page 51</p> <p>1 mean, all of this because we did the right thing    2 and came forward. I may have zoned out    3 everything that may have been said. But like I    4 said, those were very firm statements and I    5 never thought I would hear that coming from a    6 chief or a commander.    7 Q. Okay. But you don't remember Chief    8 Rivera explaining any sort of context of why    9 there was a meeting where Roti and O'Grady were    10 allegedly discussing you?    11 A. Give me a second to review it again.    12 Q. Sure.    13 A. It's hard to pinpoint it.    14 Q. Sure.    15 A. At that time obviously our identities    16 were already compromised and it may have been a    17 meeting due to that.    18 Q. You don't know the context of that    19 meeting?    20 A. No.    21 Q. Okay. Do you recall --    22 A. At least I don't recall at this time.    23 Q. Sure. Do you recall Chief Rivera    24 telling you anything else that was said in the</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Yes.    2 Q. And just you and Officer Spalding and    3 Chief Rivera present?    4 A. Correct.    5 Q. What do you recall being said by Chief    6 Rivera or by either of you in the meeting?    7 A. I want to say that he reiterated,    8 obviously, what Commander O'Grady stated. He    9 said Nick Roti concurred with them. I want to    10 say at that point he may have also told us our    11 careers were over.    12 Q. Was it your understanding that Chief    13 Rivera was also in that meeting?    14 A. Yes.    15 Q. Okay.    16 A. Because he was telling us what had    17 occurred during that meeting.    18 Q. Do you recall him giving you any    19 context of why there was a meeting where the two    20 of you were discussed or how that came to be?    21 A. Like I said, we had so many meetings.    22 And, again, I was appalled by him saying our    23 careers were over, the comments that he was    24 saying that O'Grady made, that we were rats. I</p>	<p style="text-align: right;">Page 52</p> <p>1 meeting, other than what you've already    2 testified to?    3 A. The best of my knowledge, not at this    4 time.    5 Q. Okay. Paragraph 43 indicates that    6 Defendant Chief Roti would not allow Plaintiffs    7 to work in any unit in the bureau. What's your    8 basis for that understanding?    9 A. I believe also Chief Rivera told us    10 that.    11 Q. Okay. And did he tell you that Chief    12 Roti had said that in that same meeting that we    13 were just discussing?    14 A. Possibly, yes.    15 Q. Okay.    16 A. See, the thing is Chief Roti controls    17 like 98 percent or 99 percent of the Organized    18 Crime, which would be Vice, Violent Task Force,    19 Gang Intelligence, Narcotics. And those were --    20 Q. I understand.    21 A. Those were all units that we were -- we    22 could have worked. But because of the    23 compromise in our identity and what they    24 believed us being rats, he hindered that.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. That's your belief?  2 A. Yes.  3 Q. Okay.  4 A. I strongly believe so.  5 Q. Okay. And in Paragraph 44 it indicates  6 that you and Officer Spalding were informed that  7 none of the bosses wanted to work with you and  8 your careers are over.  9 That was all -- also you're claiming  10 what Chief Rivera told you had been said in that  11 meeting?  12 A. Yes.  13 Q. Okay. Was Rivera giving his personal  14 opinion that, if you know, that your careers  15 were over or was he telling you that that was  16 said in the meeting?  17 A. He was --  18 Q. If you know.  19 A. He was quoting it.  20 Q. Okay.  21 A. I don't think it was personal opinion.  22 It could have been both.  23 Q. Okay.  24 A. He quoted it because of what happened</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. But Chief Skahill didn't promise  2 you that --  3 A. Nothing was promised.  4 Q. Nothing was promised you in the way of  5 a promotion, correct?  6 A. No.  7 Q. Okay.  8 A. Nothing was said, like you do this and  9 I'm going to make you this. It was nothing like  10 that.  11 Q. Okay. And, in fact, you understand the  12 way that meritorious promotions are made, you'd  13 have to be recommended for that, the merit board  14 would have to approve it and then ultimately the  15 superintendent would approve the promotion,  16 correct?  17 A. I have a synopsis of how it works. I  18 have a good idea, you know, but I can't cite to  19 you --  20 Q. Sure.  21 A. -- you know, step by step.  22 Q. Okay.  23 A. But that sounds accurate.  24 Q. Okay, fair enough.</p>
<p style="text-align: right;">Page 54</p> <p>1 in the meeting, then gave his opinion agreeing  2 to it instead of putting a stop to it, if you  3 ask me.  4 Q. Okay.  5 A. He should have put a stop to it right  6 then. He's chief, too.  7 Q. Okay. Let's go back for a minute to  8 the August, 2008 meeting with Chief Skahill --  9 A. Okay.  10 Q. -- and other individuals.  11 A. Sure.  12 Q. Was there any discussion in that  13 meeting of the subject of possible promotions  14 for you and Officer Spalding?  15 A. I believe we did discuss what would  16 happen afterwards.  17 Q. Okay.  18 A. And there was some options, you know,  19 coming over to stay working IAD I think was one.  20 I had mentioned, you know, we both had taken  21 sergeant and detective exams. And she said,  22 well, this is a merit -- you know it would be a  23 merit -- I commend you for coming forward and  24 that would not be out of the scope.</p>	<p style="text-align: right;">Page 56</p> <p>1 (Whereupon, Echeverria  2 Deposition Exhibit No. 4 was  3 marked for identification.)  4 BY MR. KING:  5 Q. Officer Echeverria, I'm showing you  6 another document that's been marked as  7 Deposition Exhibit No. 4. I'll just ask you to  8 take a look at this document and let me know if  9 you've ever seen it before. It's a two-page  10 Overtime/Compensatory Time Report.  11 A. Uh-huh.  12 Q. Have you seen this before?  13 A. Yeah, it's a time due slip you get it  14 for overtime or comp time or paid time.  15 Q. Okay. And it indicates -- it's signed  16 by you on the first page and by Sergeant Padar,  17 correct?  18 A. Yes.  19 Q. Okay. And do you recall whether this  20 was for some overtime that you worked?  21 A. It had to be if I'm turning it in for  22 paid overtime worked.  23 Q. Okay. And can the sergeant approve  24 overtime or does that also have to be approved</p>

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1 by someone above the sergeant?	1 was there.
2 A. Well, the sergeant is going to call and	2 Q. And that was Terry Hillard?
3 say, hey, I have such overtime I'm going to do	3 A. Hillard, yeah. I received a phone call
4 and of course somebody is going to approve it.	4 from Jill Stevens requesting -- I can't think of
5 Q. Okay.	5 the name of the form.
6 A. They're going to leave it at the	6 Q. Okay. And who is Jill Stevens?
7 discretion of the sergeant.	7 A. Jill Stevens was a sergeant in Detached
8 Q. Okay. Was it your understanding to get	8 Services who was acting lieutenant at the time.
9 this process and be paid, does somebody other	9 Because Lieutenant Glatz was the lieutenant and
10 than the sergeant have to sign it --	10 acting commander.
11 A. Yes.	11 Q. Okay.
12 Q. -- if you know? Who?	12 A. And I believe she was on furlough about
13 A. Yeah.	13 that time. And --
14 Q. And who has to sign off on it?	14 Q. Okay. And did you have an
15 A. The sergeant supervisor.	15 understanding that Jill was calling for this
16 Q. A lieutenant or a commander?	16 form?
17 A. Lieutenant, captain, commander, acting	17 A. I didn't know what she was calling for
18 commander, acting lieutenant.	18 until I spoke to her.
19 Q. Okay. As you sit here today with	19 Q. Okay, sure.
20 respect to this overtime dated August 4, 2010,	20 A. And when she asked me for the form, I
21 do you know one way or the other whether you and	21 didn't know --
22 Spalding were paid this overtime?	22 Q. Do you recall what you said?
23 A. I'm sure we did.	23 A. -- what it was. I said -- yeah, I
24 Q. Okay.	24 recall. I spoke to the woman.
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1 A. I'd be grieving it, if I didn't.	1 Q. Sure.
2 Q. Okay. If I could turn your attention	2 A. She asked me for the form. Let's just
3 now to paragraphs -- beginning with Paragraph 45	3 call it the form.
4 that indicate that Defendant Debra Kirby caused	4 Q. Sure.
5 the Plaintiffs to be removed from their detail	5 A. And I said, well, can I call you back
6 to Unit 543, Detached Services.	6 regarding the form.
7 What's the basis for the allegation	7 Q. Sure.
8 that Defendant Kirby caused you to be removed	8 A. I'm unfamiliar with it.
9 from Detached Services?	9 Q. Sure.
10 A. Again, Chief Rivera.	10 A. And she said, yes, do so, please.
11 Q. Okay. And was this an in-person	11 Q. Okay. Was that all you recall in that
12 meeting that you had with Chief Rivera?	12 first conversation?
13 A. It may have started as a phone and then	13 A. Yes.
14 eventually in person or vice versa. We had many	14 Q. Okay. And then you do call her back?
15 meetings with him in person and we had many	15 A. After I speak to Chief Rivera.
16 conversations with him on the phone.	16 Q. Okay. Tell me about the conversation
17 Q. I understand.	17 with Chief Rivera.
18 A. I can't pinpoint, I mean.	18 A. I called Chief Rivera and I tell him
19 Q. Okay. Well, explain to me what the	19 I'm receiving a phone call from Jill Stevens and
20 basis is for your allegation that Debra Kirby	20 she's requesting the form and I don't know what
21 caused you and your partner to be removed from	21 she's speaking of. And he directed me to --
22 Detached Services.	22 what to answer her.
23 A. It was a change in command, I believe,	23 Q. What did he tell you to answer her?
24 coming. That's when the interim superintendent	24 A. He said, tell her it's all been taken

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1 care of, the superintendent knows about it, 2 knows what you're doing. He has full knowledge, 3 he's been briefed. 4 Q. Okay. 5 A. And you -- any more questions regarding 6 it, she needs to contact Debra Kirby. 7 Q. Okay. 8 A. And at no time are you to tell her that 9 I am the one instructing you to do so or they 10 will know. 11 Q. Okay. 12 A. I called her back, I stated verbatim. 13 Q. Okay. Let me just ask you this. 14 A. Okay, go ahead. 15 Q. Did you -- you understood that at that 16 point that Jill Stevens was calling requesting 17 the information that the superintendent wanted, 18 correct? 19 A. She never mentioned the superintendent 20 wanted it. 21 Q. Okay. Did you have any understanding 22 of what -- of who she was requesting that 23 information for? 24 A. Not at that time. During the second	1 it again. 2 And she said, well, I will tell her, 3 meaning B. Cuello, that you won't give me this, 4 you are being -- you are refusing. And I said, 5 no, I'm not refusing. I said, why don't you 6 call Deb Kirby? That's what I was instructed to 7 tell you. 8 Q. Okay. 9 A. And she hung up. She literally left me 10 with the phone in my ear. 11 Q. Okay. And when Jill Stevens indicated 12 what she was going to tell her, it's your 13 understanding she was referring to B. Cuello? 14 A. Yes. 15 Q. Okay. Did she say that or how did you 16 come to that understanding? 17 A. She told me. 18 Q. Okay. 19 A. She said, her. There's no her up there 20 that's above her. It's B. Cuello. 21 Q. Okay. And do you recall -- 22 A. Or at least she wasn't going to tell 23 Nelly the secretary. 24 Q. Do you recall what B. Cuello's position
Page 62	Page 64
1 conversation, yes. 2 Q. Okay. So after your conversation with 3 Chief Rivera, you called Jill Stevens back? 4 A. Right. 5 Q. And it's a conversation with just the 6 two of you on the phone? 7 A. Correct. 8 Q. And what do you recall being said by 9 you or by her in that conversation? 10 A. I quoted verbatim what Chief Rivera 11 told me to quote. 12 Q. Okay. 13 A. And she said, who's telling you to say 14 this? 15 Q. Okay. 16 A. I told her, Sergeant, I apologize, I 17 don't want to sound condescending or 18 noncompliant, but I've been ordered not -- I 19 cannot disclose that information. I've been 20 ordered not to disclose that information. 21 Q. Okay. 22 A. And again she asked me. 23 Q. Okay. 24 A. And I was apologetic to her, I repeated	1 was at the time? 2 A. I believe she was deputy superintendent 3 or one of the deputy superintendents. 4 Q. Okay. So you -- at least by the time 5 that conversation was over, you had an 6 understanding that the superintendent or at 7 least the deputy superintendent wanted this 8 information, correct? 9 A. No. I still understood that B. Cuello 10 was asking for it. 11 Q. Okay. 12 A. Based on Jill Stevens' conversation. 13 Q. Okay. Sure, right. 14 A. At no time did she say the 15 superintendent wants it. 16 Q. Sure. 17 A. She said, I will tell her. So I 18 wasn't -- I mean, there hasn't been a female 19 superintendent, to the best of my knowledge. 20 Q. I got it. 21 A. Sorry, but I mean, I've got to have 22 humor out of this whole situation sometimes to 23 keep me going. 24 Q. Fair enough, fair enough.

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<p style="text-align: right;">Page 65</p> <p>1 After that conversation, the second 2 conversation with Jill Stevens, do you then call 3 Chief Rivera back? 4 A. Yeah. 5 Q. Okay. And what do you recall being 6 said by you or by him in that conversation? 7 A. Zero. He never picked up the call 8 again. 9 Q. Okay. So you never had a follow-up 10 conversation with Chief Rivera? 11 A. Not at that time. 12 Q. Okay. At some point you had a 13 conversation with Chief Rivera about your second 14 conversation with Jill Stevens? 15 A. Yes. 16 Q. And was that a telephone conversation? 17 A. It may have, it may have been even in 18 person, I can't... 19 Q. Okay. Do you have any recollection of 20 what was said by you and by Chief Rivera in that 21 conversation? 22 A. Yeah, I believe -- well, there was 23 other phone calls after that. 24 Q. About the Jill Stevens second</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Yeah, he -- correct. He also told us 2 that there was a meeting. That may have been 3 the meeting with Roti and O'Grady again being 4 present. B. Cuello was present. I believe he 5 also quoted that. He stated that after the 6 meeting -- 7 Q. Let me just stop you for one second. 8 What you're testifying to now, are you saying 9 that Chief Rivera told you about this in that 10 conversation where you discussed your second 11 phone call with Jill Stevens? 12 A. No, yeah. Yes, yeah. 13 Q. Okay. Go ahead. 14 A. Whether this was on the phone or in 15 person, he said there was a meeting again. 16 Q. Sure, right. 17 A. I guess these people have a lot of 18 meetings about us. And Deb Kirby had approached 19 him and said, you know, I know who they are, but 20 I didn't recall at the time or something along 21 to that effect. 22 Q. Okay. 23 A. But I can't -- there's no backpedaling 24 now for me. They're going to have to just take</p>
<p style="text-align: right;">Page 66</p> <p>1 conversation? 2 A. Okay. I believe I explained -- I told 3 him what had happened. Whether it was on the 4 phone or in person, I couldn't tell you. 5 Q. Sure. 6 A. At that point he said, that's bullshit, 7 Debra Kirby knows exactly what you were doing. 8 She denied knowing you guys or your involvement. 9 Q. So Chief Rivera told you that Debra 10 Kirby denied knowing you and Officer Spalding -- 11 A. Yeah. 12 Q. -- to report your involvement with 13 Operation Brass Tax? 14 A. Yes. And he also said, B. Cuello knows 15 damn well what you guys have been doing. Shit, 16 you've been in her unit for X amount of time or 17 whatever he quoted. 18 Q. Okay. 19 A. He said, they all know. 20 Q. So your allegation in Paragraph 45 of 21 the Amended Complaint that Debra Kirby caused 22 you and Officer Spalding to be removed from Unit 23 543, that's based on what Chief Rivera told you, 24 correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 the hit on this. Something to that effect. 2 Q. Okay. 3 A. I can't backpedal at this time, it's 4 too late. 5 Q. When Chief Rivera was telling you about 6 this meeting, was it your understanding that he 7 was -- had been in that meeting? 8 A. Yes. 9 Q. Okay. Did he tell you who else was in 10 that meeting? 11 A. I want to say that's when he said 12 B. Cuello was there and he had mentioned that 13 why would she be asking for that damn form, 14 you've been already in her unit for X amount of 15 time, something to that effect. You know, he 16 said it was all bullshit. 17 Q. Other than him -- 18 A. And I quote that. That's what he said. 19 Q. Okay. Other than him -- strike that. 20 Other than your belief that Rivera was 21 in the meeting and Rivera telling you that 22 B. Cuello was in the meeting, did Rivera tell 23 you anyone else that was in that meeting? 24 A. To the best of my knowledge, maybe</p>

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<p style="text-align: right;">Page 69</p> <p>1 even -- like I said --</p> <p>2 Q. If you know, if you recall.</p> <p>3 A. I want to say he even said Roti was in</p> <p>4 there.</p> <p>5 Q. You think he may have said Roti was in</p> <p>6 there?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you think he said O'Grady was in</p> <p>9 that meeting?</p> <p>10 A. Yeah. I believe so, too.</p> <p>11 Q. Okay. When you spoke with Chief Rivera</p> <p>12 about your second conversation -- actually,</p> <p>13 either your first or second conversation with</p> <p>14 Jill Stevens, do you remember telling Chief</p> <p>15 Rivera that the conversation with Jill Stevens</p> <p>16 didn't go well?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Was that after your second</p> <p>19 conversation with her?</p> <p>20 A. Yeah. Because I wasn't able to contact</p> <p>21 him.</p> <p>22 Q. Right, okay.</p> <p>23 A. And I don't know why. I mean, it was</p> <p>24 like short time gaps. It wasn't like I waited a</p>	<p style="text-align: right;">Page 71</p> <p>1 telling you anything else about that meeting?</p> <p>2 A. And then what I said about Kirby.</p> <p>3 Q. Okay. And did you learn at some point</p> <p>4 after that conversation that you and Officer</p> <p>5 Spalding were going to be sent back to patrol?</p> <p>6 A. Yes.</p> <p>7 Q. How did you come to learn that?</p> <p>8 A. I received a phone call from Deputy</p> <p>9 Superintendent James Jackson or Jimmy Jackson.</p> <p>10 Q. Okay. And was that just you and Jimmy</p> <p>11 Jackson on the phone?</p> <p>12 A. Yeah. I spoke to him on the phone.</p> <p>13 Q. Okay. And what did he say to you in</p> <p>14 that conversation?</p> <p>15 A. He was very direct. He said, effective</p> <p>16 0700 or 0800 hours tomorrow, and he stated the</p> <p>17 date, which I don't recall --</p> <p>18 Q. Right.</p> <p>19 A. -- you are no longer assigned to the</p> <p>20 FBI. You will report to Beatrice Cuello, Deputy</p> <p>21 Cuello in Unit 543 in uniform.</p> <p>22 Q. Okay.</p> <p>23 A. And I tried to ask him something and he</p> <p>24 just repeated it. I tried to ask him again, he</p>
<p style="text-align: right;">Page 70</p> <p>1 day to call the man, it was moments. You know,</p> <p>2 hang up -- she hangs up on me, you know. I was</p> <p>3 like, what? I dialed Rivera and he didn't pick</p> <p>4 up.</p> <p>5 Q. Okay.</p> <p>6 A. And then certain other events happened</p> <p>7 and that's when I had a conversation with him</p> <p>8 later on.</p> <p>9 Q. Okay. And you were discussing a</p> <p>10 meeting that Chief Rivera told you about. Other</p> <p>11 than what you've already testified to, do you</p> <p>12 recall anything else Chief Rivera told you about</p> <p>13 that meeting?</p> <p>14 A. Yeah.</p> <p>15 Q. What else?</p> <p>16 A. He said that Roti didn't want us back</p> <p>17 in Narcotics, he also said O'Grady spoke about</p> <p>18 us being rats and things to that effect. He</p> <p>19 said B. Cuello said she didn't know what we were</p> <p>20 doing in her unit. And then he said that he had</p> <p>21 briefed Cuello and she was very well aware and</p> <p>22 he doesn't know why Jill Stevens even needed to</p> <p>23 make that phone call.</p> <p>24 Q. Okay. Do you remember Chief Rivera</p>	<p style="text-align: right;">Page 72</p> <p>1 wasn't hearing it.</p> <p>2 Q. Okay. Do you recall what you tried to</p> <p>3 ask?</p> <p>4 A. What happened?</p> <p>5 Q. Yeah.</p> <p>6 A. Why, you know.</p> <p>7 Q. Sure.</p> <p>8 A. Any question that you, me, her, him</p> <p>9 would ask.</p> <p>10 Q. Sure.</p> <p>11 A. You know, you want to know why you're</p> <p>12 getting that phone call.</p> <p>13 Q. Okay. And he didn't tell you why?</p> <p>14 A. He wasn't hearing it. He just repeated</p> <p>15 it.</p> <p>16 Q. Okay.</p> <p>17 A. I'd be in the middle of asking, I'd</p> <p>18 say, but, boss. Effective, and he would repeat</p> <p>19 it.</p> <p>20 Q. Right, right. So he didn't tell you</p> <p>21 why this move was being made, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And when he indicated that you were to</p> <p>24 report to B. Cuello, was it your understanding</p>

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1 that you were then going to be reassigned to a 2 district? 3 A. No. 4 Q. Okay. Did you have an understanding of 5 why were reporting to B. Cuello? 6 A. No. 7 Q. Okay. And did you, in fact, report to 8 B. Cuello the following day? 9 A. I never got the chance to. 10 Q. Okay. And what happened after that 11 that led you to not reporting to B. Cuello? 12 A. I was en route to headquarters to Unit 13 543. 14 Q. Yes. 15 A. I got a phone call from the secretary 16 Veronica Castillo. 17 Q. Okay. And what did Ms. Castillo tell 18 you? 19 A. She said, hey, Danny, where are you, 20 are you coming down here. I said, I'm on my way 21 down. She said, well, she wants you, the boss 22 wants you to go to training. 23 Q. Okay. 24 A. A one-day training at the academy. Are	1 A. No. 2 Q. Okay. 3 A. That came later. 4 Q. Okay. Explain that. At some point you 5 became of the understanding that you were 6 detailed to the police academy as part of the 7 process of being sent back to patrol? 8 A. Yeah. 9 Q. How did you come about that knowledge? 10 A. Well, when we got to the academy, at 11 that point I met up with my partner, Shannon 12 Spalding. We were entering the building and 13 there's a duty desk, what they call where if you 14 don't know where you're going -- 15 Q. Sure. 16 A. -- with different trainings and things 17 going on, you stop and you ask there. And we 18 asked for where is this one-day training. And 19 they asked, where are you coming from. 20 Q. Sure. 21 A. And then we were approached by a 22 Lieutenant Pigott. 23 Q. Okay. And did Lieutenant Pigott say 24 anything to you?
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1 you in uniform? I said, yes. She goes, yeah, 2 do that. She wants you to do that. 3 Q. Okay. And by she, she was referring to 4 B. Cuello? 5 A. Yes. 6 Q. Okay. Veronica Castillo was a 7 secretary in B. Cuello's office? 8 A. She was one of the secretaries up 9 there. 10 Q. Okay. And do you recall her saying 11 anything else in that conversation? 12 A. That was it. 13 Q. Okay. Do you recall anything you said? 14 A. I said, okay. I acknowledged her. 15 Q. Okay. And it's your recollection that 16 she said a one-day training? 17 A. Yeah. 18 Q. Okay. And so you were then to report 19 to the police academy, correct? 20 A. Yes. 21 Q. Okay. And at that point, did you have 22 any understanding that you were asked to report 23 to the police academy as part of the process of 24 sending you back to patrol?	1 A. He said, you're not here for no one-day 2 training, you're here to be retreaded, you're 3 here to -- you're going back to patrol. He 4 pointed at my partner. He said, are you Officer 5 Spalding? She acknowledged. He said, you're 6 going to 3 midnights and you're going to fucking 7 15 midnights. 8 Q. Okay. 9 A. And at that point, we were -- it was 10 like we were hit by a brick. 11 Q. Okay. 12 A. The man was rude, the man needs some 13 personal -- he needs some social skills, if you 14 ask me, some training. 15 Q. And do you remember him saying anything 16 else other than what you testified to? 17 A. And then I told him, what do you mean? 18 He goes, don't pretend you don't know what this 19 is about, you know exactly what you did. 20 Q. Okay. 21 A. And at that point I got on the phone, 22 attempted to call Chief Rivera. 23 Q. Did you reach Chief Rivera? 24 A. Yeah. I was in the middle of a

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<p style="text-align: right;">Page 77</p> <p>1 conversation with him. I don't know if he -- it 2 seemed to me like he wasn't aware of what was 3 going on. 4 Q. Okay. 5 A. I told him where we were at. Pigott 6 ordered me to get off the phone. 7 Q. Okay. 8 A. He said, you don't take no breaks here, 9 you're not going to be walking out when you 10 feel, you're not going to do what you please. 11 Q. So you had walked outside of the 12 building to use the phone? 13 A. I walked into the vestibule and he 14 followed me in there. 15 Q. Okay. 16 A. And then he said, and you don't use 17 your phones here like you want to. And I said, 18 well, there's somebody here that wants to speak 19 to you and I handed the phone to Lieutenant 20 Pigott. 21 Q. Okay. 22 A. And then they had a conversation, which 23 I don't know what was said between the two. 24 Q. Okay. And after Chief Rivera spoke</p>	<p style="text-align: right;">Page 79</p> <p>1 A. Because we were still active in the 2 field. 3 Q. But he indicated that you were being 4 retreaded and then you and your partner were 5 going to be sent back to districts, correct? 6 A. Yes. I mean, he was firm about that. 7 Q. Okay. And, in fact, you and your 8 partner never were sent back to patrol, correct? 9 A. Correct. 10 Q. And do you have any knowledge of what 11 happened or who intervened to cause that not to 12 happen? 13 A. I want to say at that time, the academy 14 fell under Chief Skahill. 15 Q. Okay. 16 A. And I believe she intervened. 17 Q. Okay. Did Chief Skahill or anyone else 18 tell you that or that's your assumption? 19 A. I want to say she may have said 20 something to us. I can't give you the exact 21 detail of the conversation. 22 Q. Okay. 23 A. You know, it was a very difficult time. 24 Q. Okay.</p>
<p style="text-align: right;">Page 78</p> <p>1 with Lieutenant Pigott, did you take the phone 2 back and speak again with Chief Rivera? 3 A. Yes. And he said, let me look into 4 what's going on. 5 Q. Okay. 6 A. I don't know what exactly has been 7 done, but, you know, I expect to hear from you 8 later in the day or something along that effect, 9 or meet me later in the day or something to that 10 effect. 11 Q. Okay. And obviously based on what 12 Lieutenant Pigott said, you then understood you 13 were at the academy to be retrained as part of a 14 process to be sent back to patrol, at least at 15 that time, correct? 16 A. That process was unheard of to me. 17 I'm unfamiliar with that -- people who get 18 retread is usually when people were like away 19 from the job, military, extended medical or 20 something. 21 Q. Okay. 22 A. But not in our situation or under our 23 circumstances. 24 Q. Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. And a lot of stress and, I mean like I 2 said, it was a sudden interruption of -- 3 Q. Okay. 4 A. It was just a situation that shouldn't 5 have happened. 6 Q. Okay. And you don't know, do you, 7 whether Deb Kirby had any role in preventing you 8 guys from being sent back to patrol, do you? 9 A. Other than the fact that she told 10 Rivera and Rivera told us that she denied 11 knowing us and that she wasn't going to 12 backpedal at that point, we were just going to 13 have to be the fall guys or the hit, take the 14 hit on it, comments to that effect. 15 Q. Other than that testimony, you don't 16 know, do you, whether Deb Kirby was involved in 17 stopping you guys from being sent back to 18 patrol? 19 A. Other than that, I can't tell you. 20 Q. Okay. And you also don't know whether 21 Chief Rivera was involved in stopping you guys 22 from being sent back to patrol, meaning you and 23 Officer Spalding? 24 A. Stopping us from going back? We</p>

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<p style="text-align: right;">Page 81</p> <p>1 eventually went to work under him.  2 Q. Okay.  3 A. We went to Skahill and then again the  4 shifting in command again.  5 Q. Okay.  6 A. And then eventually the Unit 126, which  7 was the Audit Inspection Division fell under  8 Rivera.  9 Q. Okay. And I asked some bad questions.  10 Let me ask it this way.  11 A. All right.  12 Q. At a certain point in time after you  13 talked to Pigott, you were under the impression,  14 you and Officer Spalding, that you were going to  15 be sent back to patrol in a district, that never  16 happened. Instead, you were then detailed to  17 Unit 126 Inspections, correct?  18 A. Inspections slash Audit, correct.  19 Q. Okay. Do you have any knowledge as to  20 who was responsible for the decision to send you  21 to Inspections instead of back to patrol?  22 A. I would say -- if I had to say it, I  23 would say it was Tina Skahill because  24 Inspections fell under her.</p>	<p style="text-align: right;">Page 83</p> <p>1 to Paragraph 50 on the Amended Complaint. It  2 indicates that because Plaintiffs had been  3 labeled rats, they lost their specialized  4 assignments, weekends and holidays off,  5 take-home vehicle and the ability to work  6 unlimited overtime.  7 What do you mean by -- what's the basis  8 for the allegation in Paragraph 50?  9 A. Well, we're still assigned to -- even  10 to this day, we're still assigned to Narcotics.  11 But I believe we're not welcome there still to  12 this day.  13 So that would not make it a -- an elite  14 unit, Narcotics was considered an elite unit.  15 They had take-home cars there. You had  16 weekdays, weekends off.  17 Q. Okay.  18 A. Or you also had different days off.  19 Some people had weekends, some people had  20 Friday, Saturday, Sunday, Monday, whatever,  21 holidays off. Like I said take-home vehicles.  22 Q. Okay.  23 A. Search warrants enabled you to get  24 overtime.</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Okay.  2 A. So it would have to be her.  3 Q. Okay. But you don't know as you sit  4 here whether --  5 A. Yeah, I would say yes. Because there  6 was a conversation I had with Tina Skahill later  7 on after we were in Inspections.  8 Q. Yes.  9 A. And she said, we don't do that to our  10 people. Not after what you and your partner did  11 coming forward, we don't do that to our people.  12 We don't throw our people back there like that.  13 It's a safety concern for you guys.  14 Q. Okay.  15 A. So I would say Tina Skahill.  16 Q. Okay. And you don't have any personal  17 knowledge of whether Deb Kirby agreed with Tina  18 Skahill to transfer you to 126?  19 A. No.  20 Q. Okay. And do you have any personal  21 knowledge of whether Juan Rivera agreed with  22 Tina Skahill that you should go to 126?  23 A. No.  24 Q. Okay. If I could direct your attention</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Okay.  2 A. Depending on the search warrant itself.  3 Q. But you weren't allowed to work  4 unlimited overtime?  5 A. No, no.  6 Q. Okay.  7 A. So that's what I mean by that.  8 Q. Okay. So Paragraph 50 you're talking  9 about the difference of being in Narcotics and  10 not being in Narcotics?  11 A. I'm talking about in being Narcotics  12 and not allowed to be doing that, having the  13 benefit of that.  14 Q. Okay.  15 A. Because I'm still in Narcotics  16 assigned.  17 Q. Okay. How long were you told to report  18 I guess to the police academy, do you recall?  19 A. It wasn't a day, I'll tell you that.  20 Q. Okay.  21 A. I couldn't tell you. It was an  22 extended time. To kind of give you a time  23 frame, we were even there when the Mayor's  24 detail -- when the Mayor switched over and Rahm</p>

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<p style="text-align: right;">Page 85</p> <p>1 Emanuel became Mayer. He brought in, I guess,    2 his personnel or selected personnel to be part    3 of his detail and the officers that were there    4 for Daley, they got also --</p> <p>5 Q. Okay.</p> <p>6 A. So that kind of gives you a time frame    7 of when those chain of events or how long we    8 stayed there. Because we stayed there after    9 that, too.</p> <p>10 Q. Okay. So you were at the police    11 academy, Chief Rivera had told you essentially    12 let me work on this, and then you learned that    13 you're going to be detailed to Inspections,    14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And my understanding, you were    17 at the police academy maybe a couple of weeks.    18 Does that sound --</p> <p>19 A. It seemed longer than that.</p> <p>20 Q. Yeah.</p> <p>21 A. But I couldn't tell you.</p> <p>22 Q. You don't know for sure?</p> <p>23 A. It felt like an elephant pregnancy, if    24 you ask me. We were there for years.</p>	<p>1 you want.</p> <p>2 Q. Okay. And --</p> <p>3 A. It was humiliating, if you ask me.</p> <p>4 Q. Okay. And were you asked at some point    5 to also teach some sort of training at the    6 police academy?</p> <p>7 A. At one time we went there. We were    8 there at the academy, then we were with Tina    9 Skahill. Then we thought we were going back to    10 training at the academy and I guess it wasn't    11 training, but it was some in-car camera    12 assistance or something like that.</p> <p>13 Q. Okay.</p> <p>14 A. And it was --</p> <p>15 Q. Were you asked to take some training or    16 conduct some training on the in-car cameras?</p> <p>17 A. I was under the impression that it was    18 to take in-car camera training.</p> <p>19 Q. Okay.</p> <p>20 A. And it wasn't, I guess.</p> <p>21 Q. Okay.</p> <p>22 A. Once we got there, it was something    23 different.</p> <p>24 Q. What was it once you got there?</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. That's fine.</p> <p>2 A. I apologize.</p> <p>3 Q. No. That's --</p> <p>4 A. It's just sometimes you've got to look    5 at things with -- I mean, it's helped me move --</p> <p>6 Q. It's your case.</p> <p>7 A. It helps me move forward with this. I    8 don't feel I should be sitting here to begin    9 with with all this nonsense, just because I did    10 the right thing with my partner.</p> <p>11 Q. Okay. During the days that you were I    12 guess detailed to the police academy, do you    13 recall what you and Officer Spalding did or were    14 asked to do?</p> <p>15 A. We often sat there doing nothing. We    16 sat there with recruits, we sat there with --</p> <p>17 sometimes the same class repetitively, sometimes    18 people wouldn't even show up, instructors and    19 we'd just sit there.</p> <p>20 Q. So you sat through some training    21 classes, correct?</p> <p>22 A. Very few.</p> <p>23 Q. Okay.</p> <p>24 A. What they would -- sure. Say that, if</p>	<p>1 A. Once I got there, I guess it was to    2 help instruct in-car training.</p> <p>3 Q. Okay.</p> <p>4 A. But I thought it was --</p> <p>5 Q. Okay. Did you have any knowledge of    6 whose decision it was to ask you to help    7 instruct in-car training?</p> <p>8 A. Off the top of my head, I -- since the    9 academy fell under Tina Skahill --</p> <p>10 Q. Yes.</p> <p>11 A. -- I would say it would be safe to say    12 Tina Skahill.</p> <p>13 Q. Okay.</p> <p>14 A. I mean, if this -- does that answer?</p> <p>15 Q. Sure.</p> <p>16 A. Okay.</p> <p>17 Q. Do you recall at some point earlier    18 when you were reporting to the FBI and after the    19 August, 2008 meeting so --</p> <p>20 A. Okay.</p> <p>21 Q. -- people in the City, some people are    22 aware that you're working with Brass Tax, you're    23 reporting to the FBI. Do you remember at some    24 point being told by the FBI that they no longer</p>

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<p style="text-align: right;">Page 89</p> <p>1 wanted you and Officer Spalding reporting 2 there? 3 A. You know, there was a time where the 4 investigation did go idle but Watts had suffered 5 some injury or something, so the investigation 6 went idle. And then there was some stuff with 7 the agent where at that time that went idle, as 8 well, and then we started reporting directly for 9 Chief Rivera. 10 Q. Okay. Do you remember a situation 11 where you and your partner had been accused of 12 either stealing or losing -- 13 A. I think I'd be locked up if I was 14 accused of stealing a federal something, 15 anything. I don't think I'd be sitting here. 16 Q. Do you recall a point in time where you 17 or your partner had been accused of either 18 stealing or losing some piece of equipment and 19 as a result you were told, don't report any more 20 to the FBI? 21 A. I remember an incident with the agent 22 where he asked for a recording device -- 23 Q. Yes. 24 A. -- to be returned. The recording</p>	<p>1 them. 2 Q. Okay. 3 A. So I wouldn't -- I don't know how you 4 want to take it. 5 Q. Sometime later you were recontacted? 6 A. Yeah. If you want to take it as no or 7 idle or however you want to interpret it. My 8 interpretation is they contacted us again, so I 9 would say no. 10 Q. When they contacted you again to -- did 11 they ask you to start reporting directly to the 12 FBI building again? 13 A. Yes. We would report -- we would go 14 through -- at that point we were in 126. 15 Q. Yes. 16 A. And from my understanding, we were 17 supposed to be on the sheets for 126 -- 18 Q. Yes. 19 A. -- to do Brass Tax. Almost like the 20 543 situation but through 126. And then report 21 to them as the investigation started to move 22 forward again. 23 Q. Sure, okay. And when they, as you say, 24 kind of called you back to the investigation,</p>
<p style="text-align: right;">Page 90</p> <p>1 device was in the vehicle and he had surprised 2 the vehicle. So at that point the vehicle was 3 being swapped out or had been swapped out 4 already and he was disturbed because of that, 5 and maybe that led to his anger. 6 Q. Okay. 7 A. But I guess the equipment he borrowed 8 and didn't necessarily assign it out, was my 9 understanding, and that's why the guy was kind 10 of hot. 11 Q. Okay. So you do recall Agent Patrick 12 Smith getting angry about this device issue and 13 he told you all that he didn't want you 14 reporting to the FBI any more, correct? 15 A. He said -- I don't know exact words. I 16 mean, it was kind of like an awkward moment. 17 But at that point we did go straight to Chief 18 Rivera and started reporting to him and 19 continued the investigation through him. 20 Q. And you understand that the FBI did not 21 want you reporting directly to them any more, 22 correct? 23 A. Sure, I guess you can say that if you 24 want. It went idle. But we were recontacted by</p>	<p>1 had the investigator changed? It was no longer 2 Patrick Smith? 3 A. Yes. 4 Q. Okay. 5 A. Do you want to know the agent's name? 6 Q. Sure. 7 A. It's Craig Henderson. 8 Q. Thanks. 9 A. That was the final agent that -- 10 Q. Okay. 11 A. I think there was another one, but -- 12 it changed two or three times, but this was the 13 last guy. 14 Q. Okay. 15 A. And at that point we were also 16 reporting to -- it wasn't to Tom Chester 17 anymore. Al Bohmer, Sergeant Al Bohmer. 18 Q. Okay. At the time of the August, 2008 19 meeting with Chief Skahill and others that you 20 testified to, do you recall who your sergeant in 21 Narcotics was at that point? 22 A. Say that again? 23 Q. At the time of the August, 2008 meeting 24 with Chief Skahill and the others --</p>

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1 A. The initial meeting?	1 time there that you were under Lieutenant
2 Q. Yes, that you testified to earlier.	2 Pascua?
3 A. Tom Chester. Oh, Narcotics?	3 A. Too long.
4 Q. Yes. Who was your sergeant in	4 Q. Okay. Any recollection of how long?
5 Narcotics at that point in time?	5 A. Since day one, I don't -- the first day
6 A. Roderick Watson.	6 there, we reported to her.
7 Q. Okay. And do you recall who the	7 Q. Right. Do you remember when it changed
8 lieutenant was above him?	8 that you started reporting to Lieutenant
9 A. It may have still been Cervanka.	9 Sadowski?
10 Q. Okay. And, again, prior to that	10 A. It changed after we voiced our opinion
11 meeting, the August, 2008 meeting, do you have	11 about Lieutenant Pascua.
12 any knowledge of whether or not Lieutenant	12 Q. Okay.
13 Cervanka knew that you were spending some of	13 A. But I can't tell you if it was a month
14 your time working on this Watts investigation	14 or two months.
15 with the FBI?	15 Q. That's fine. Paragraph 57 says,
16 A. Yeah, because it was my personal time.	16 Defendant Lieutenant Pascua called Plaintiffs
17 Q. I understand. Even assuming it was	17 rat motherfuckers and told them that she did not
18 your personal time, do you have any knowledge of	18 want them in the unit.
19 Lieutenant Cervanka being aware of that?	19 What's the basis for that allegation?
20 A. No.	20 A. It came out of her mouth.
21 Q. Okay. So you then get -- you and	21 Q. Okay. You heard that come out of her
22 Officer Spalding get reassigned to Inspections	22 mouth?
23 Unit 126. Our records indicate that that was	23 A. Yeah.
24 effective May 22, 2011. Any reason to believe	24 Q. Okay. And approximately how soon after
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1 that is not correct?	1 you started at Inspections did that happen?
2 A. I mean, unless I see a document to say	2 A. Immediately. You know, I don't want to
3 that's the exact date --	3 say it happened the next day.
4 Q. Sure.	4 Q. Sure.
5 A. -- I can't tell you what date it was.	5 A. But as time went on, she started
6 I mean, it wasn't in the winter. I can tell you	6 voicing some of her opinions.
7 it was somewhat warm or spring-like or	7 Q. And where were you when you heard her
8 something.	8 out of her mouth say --
9 Q. Okay. As far as you know, May, 2011?	9 A. In the office.
10 A. Sure, if you want to say that.	10 Q. Okay. Do you recall who else was
11 Q. Okay. And then directing your	11 present?
12 attention to Paragraph 56 of the Complaint. In	12 A. At times she would say it in front of
13 the following paragraphs it indicates that	13 other personnel up there, other lieutenants, her
14 throughout the time that you were detailed to	14 sergeant.
15 126, that you were subjected to some harassment	15 Q. You said you heard it yourself?
16 and hostility by Lieutenant Pascua, correct?	16 A. Yes, I did.
17 A. Yes.	17 Q. Okay. Do you recall on the occasion
18 Q. Okay. Now, am I correct that part of	18 when you heard it yourself, who, if anyone, else
19 the time that you were in Inspections, you were	19 was present?
20 under or reporting to Lieutenant Pascua and at a	20 A. Her sergeant.
21 certain point that changed to Lieutenant	21 Q. And who was that?
22 Sadowski, correct?	22 A. Janice Barney.
23 A. Yes.	23 Q. Okay. Was anyone else present?
24 Q. Okay. Do you recall how long your	24 A. I mean, it's an office, there's people

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1 present. On the other side of the cubical, in 2 front of the cubical, in front of me. I mean, 3 everything is within earshot. So if they want 4 to say they heard it, I'm sure they did; if they 5 want to deny they heard it, they're going to 6 deny it. But I know it came out of her mouth.	1 about it? 2 A. I looked at her and she looked at me 3 like she was surprised I caught her and she 4 turned around and walked away.
7 Q. Okay. And was Officer Spalding also 8 present?	5 Q. Okay. 6 A. I mean, I worked surveillance in
9 A. Sure.	7 Narcotics, so I would know if somebody is 8 following me. And I know that she was following 9 me and I double backed her and I caught her 10 following me.
10 Q. Okay.	11 Q. During this period of time that you're 12 talking about, you were both -- you and Officer 13 Spalding were both doing work in the Inspections 14 unit and also spending some of your time on the 15 Watts investigation, correct?
11 A. She was a present during a lot of her 12 comments. Some of her comments were made 13 directly to her, some of the comments were made 14 directly to me.	16 A. Correct.
15 Q. Okay.	17 Q. Okay. And what kind of
16 A. A lot of her comments were made to both 17 of us.	18 responsibilities did you have in the Inspection 19 unit?
18 Q. Okay. We're going to talk about all of 19 them.	20 A. Nothing.
20 A. Okay, good.	21 Q. Okay.
21 Q. So --	22 A. I think we got a whole three
22 A. She would spread the word, too.	23 assignments or four assignments the whole time
23 Q. Okay. So Paragraph 57 you've just been 24 testifying about hearing her from her mouth	24 we were there.
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1 refer to you I guess and Officer Spalding as rat 2 motherfuckers. Other than that occasion, did 3 you ever hear her refer to you as rat 4 motherfuckers?	1 Q. Okay. And do you recall what those 2 assignments consisted of?
5 A. That occasion. I mean, there were many 6 occasions she would have out loud within 7 earshot. She would make comments that she's a 8 lawyer, she knows how to put a case together. 9 She would say, rat motherfuckers from 10 Narcotics --	3 A. Some light data entry. 4 Q. Okay. 5 A. I mean, light. 6 Q. Okay.
11 Q. Okay.	7 A. There was a time I think they were 8 auditing some equipment when -- I don't know if 9 it was the TRU Unit or something got dismantled 10 or something along those lines.
12 A. -- we don't need them up here. We 13 don't need nobody watching us. I mean, many 14 comments.	11 Q. Okay.
15 Q. Okay.	12 A. Some fire drills.
16 A. Many incidents.	13 Q. Okay.
17 Q. Okay.	14 A. And then a lot of times chauff -- for 15 being her chauffeur or for her personal 16 business.
18 A. She even followed us in the parking 19 lot -- or followed me in the parking lot.	17 Q. Okay. Now, on days that you either 18 came into the office in Inspections but then 19 went out to work on Operation Brass Tax or you 20 just went directly out to work on Operation 21 Brass Tax, were you supposed to inform 22 Lieutenant Pascua, we won't be in today, we're 23 doing something else?
20 Q. Okay.	24 A. We would do so.
21 A. I mean, I don't know why she was doing 22 it, but I double backed her and I caught her 23 following me.	
24 Q. Okay. Did you say anything to her	

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1 Q. You were supposed to and your testimony 2 is you would do so?	1 building. 2 Q. Okay.	
3 A. Yes.	3 A. I mean, we have to give her specifics.	
4 Q. Okay.	4 Q. Sure.	
5 A. Whether it was her or Sadowski.	5 A. I mean, we wouldn't tell her what it	
6 Q. Okay.	6 involved, who it involved or --	
7 A. When the change in lieutenants came, 8 there was times he would -- she was informed, 9 Pascua, and there was times where the lieutenant	7 Q. Sure.	
10 was informed.	8 A. But we told her where we would be and 9 who we were reporting to.	
11 Q. Let's just talk about the period with 12 Lieutenant Pascua.	10 Q. Okay.	
13 A. Okay.	11 A. And I'm sure Sergeant Bohmer had 12 conversations with that unit, as well.	
14 Q. Is it your testimony that you always 15 did that without fail?	13 Q. Okay.	
16 A. Without fail.	14 A. And maybe even Tom Chester.	
17 Q. Without fail, okay.	15 Q. Okay.	
18 And what would you tell Lieutenant 19 Pascua or Lieutenant Sadowski you were doing 20 when you weren't coming in?	16 A. Do you want to know what my first day 17 was like there?	
21 A. At that point, they knew we were doing 22 something with the FBI, so we would say we're 23 going to report to Sergeant Bohmer --	18 Q. Your first day in --	
24 Q. Okay.	19 A. In Inspections?	
Page 102		
1 A. -- and we would go to 2111 Roosevelt.	20 Q. -- the Inspections?	
2 Q. And what's your understanding of how	21 A. Yeah.	
3 Lieutenant Pascua learned that you were doing	22 Q. No, I don't want to know what your	
4 something with the FBI at that time?	23 first day was like there.	
5 A. Well, when we started doing Brass Tax, 6 then she -- she would -- she knew. But I think 7 she knew prior to that what we were doing. Who 8 made her aware of it, I can't tell you.	24 A. Okay.	
9 Q. When you were --	Page 104	
10 A. Because I don't know.	1 Q. But I'm sure you'll find a way to tell 2 me.	
11 Q. Okay. When you were transferred over	3 A. Do you want to know? I mean --	
12 to the Inspection Division or any time after	4 Q. No. Let me ask you this.	
13 that, did you or Officer Spalding tell	5 A. Okay.	
14 Lieutenant Pascua that you were working on	6 Q. You testified about one incident where 7 you personally heard in earshot Lieutenant 8 Pascua referring to you as rat motherfuckers.	
15 Operation Brass Tax?	9 With respect to similar comments, rats, et 10 cetera --	
16 A. No.	11 A. Yes.	
17 Q. Did you or Officer Spalding tell	12 Q. -- did you personally hear Lieutenant 13 Pascua saying that on any other occasion?	
18 Lieutenant Pascua that you were working on a	14 A. Yeah, many occasions.	
19 confidential investigation with the FBI?	15 Q. On many occasions?	
20 A. Not until Brass Tax, we needed to go	16 A. Yeah.	
21 to, then we would say, we're going to report to	17 Q. Okay.	
22 Al Bohmer.	18 A. She would say that as she would walk by 19 my cubical.	
23 Q. Okay.	20 Q. Okay.	
24 A. We're going to report to the FBI	21 A. I mean, we were the only two up there 22 from Narcotics, so why say it.	
	23 Q. Okay.	
	24 A. Unless she had Tourette's or something.	

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1     Q. Okay. 2     A. That woman was something. 3     Q. And you said it didn't happen right 4 away? 5     A. No. 6     Q. About how long do you think you were 7 there before her first -- 8     A. Outburst. 9     Q. -- outburst, as you refer to it? 10 Referencing you being rats or doing work with 11 the FBI. 12     A. It didn't take much time. 13     Q. Okay. 14     A. A couple weeks, a best guess. I'm 15 guessing. I mean, I can't tell you a definite, 16 oh, ten days and then it kicked in. 17     Q. Sure, that's fine. 18     A. I mean, it was -- and it also became 19 progressive. It wasn't like subtle, it was -- 20 it progressed. 21     Q. Okay. Do you have any personal 22 knowledge of James O'Grady telling anyone in 23 Inspections that you and Officer Spalding had 24 worked on Operation Brass Tax?	Page 105 1     A. Yeah, she would say it. 2     Q. Okay. 3     A. She would say, we know how some white 4 females get into elite units like Narcotics, you 5 know, they sleep their way in there or they're 6 blond and blue eyes or things to that effect. 7 And I think I responded to her, then maybe she 8 should buy a wig. 9     Q. Right, okay. And my question -- 10     A. Because I was getting to a point where 11 I was really fed up with their direct or 12 indirect comments and their innuendos and 13 everything else. We even met with Adrienne 14 Stanley, who was the commander at that time. 15     Q. Okay. You just told me about a 16 conversation where Jan Barney made a reference 17 to white females getting into Narcotics. My 18 question is did you personally hear Jan Barney 19 refer to you and Officer Spalding as rats? 20     A. Yeah. 21     Q. Or rat motherfuckers? 22     A. She would make comments just as much as 23 Lieutenant Pascua. They would all have 24 outbursts up there.
Page 106 1     A. I can't say that. 2     Q. Okay. So other than -- well, strike 3 that. 4     So it's your testimony then on many 5 occasions Lieutenant Pascua would make reference 6 to you and Officer Spalding as rats or similar 7 comments? 8     A. Yes. She wasn't the only one, but she 9 was primarily the one. 10     Q. Okay. Was there anyone else in the 11 Inspections Division that made such comments? 12     A. Yeah, Jan Barney. 13     Q. And Jan Barney. 14     A. That was her -- 15     Q. How many times do you recall Jan Barney 16 making such comments? 17     A. As many times as -- I mean, it was, 18 like as I said, it's many. I mean, not one, not 19 two, many. 20     Q. Okay. So you heard Jan Barney many 21 times -- 22     A. Yes. 23     Q. -- refer to you and Officer Spalding as 24 rats?	Page 106 1     Q. Okay. 2     A. They made it no secret that they knew 3 what we were doing or have done or are still 4 doing. I mean, they never said, I know you're 5 doing Brass Tax, I know you're working on Watts. 6 They never made that comment. 7     Q. Okay. 8     A. It would be unfair of me to say so. 9     Q. Okay. 10     A. But they knew we were doing IAD. 11     Q. Okay. And other than Lieutenant Pascua 12 and Jan Barney, did you ever hear anyone else in 13 the Inspections unit refer to you as rats or rat 14 motherfuckers or similar comments? 15     A. Prime, the main person there making 16 those comments was Lieutenant Pascua. 17     Q. Okay. No one other than Pascua and 18 Barney, correct? 19     A. Barney was like her right hand. So if 20 Pascua said jump, she'd say, how high. 21     Q. No one other than Pascua and Barney, 22 correct? 23     A. Correct, we can say that. 24     Q. Okay. And then at a certain point

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1 you --	1 this personally?
2 A. No, let's backtrack. There was an	2 A. Yeah. She told my partner and myself.
3 officer there, George Flores.	3 Q. Okay.
4 Q. Okay.	4 A. Or I was present during it.
5 A. Who also went around the unit. Not 126	5 Q. Okay. And in Paragraph 60 of the
6 as much, but it was like -- I don't know if it	6 Complaint, there's an allegation that Lieutenant
7 was another -- it was a different area on the	7 Pascua said, fuck them from Narcotics, I'm a
8 same floor, I don't know within like 50, 60 feet	8 lawyer, I know how to put a case together, I'm
9 from where we would sit. It was also	9 going to work on getting them fucking launched.
10 partitioned off. It was -- I don't know if it	10 A. Yes.
11 was the CAPS unit or Domestic Violence unit	11 Q. Did you personally hear that, her
12 where George Flores sat.	12 stating that?
13 And he would go around speaking to	13 A. Yeah. It came out of her mouth.
14 other employees up there, whether they were	14 Q. All right. And that particular
15 civilian or sworn, saying that, you know, we're	15 reference to being a lawyer and putting a case
16 there to watch them and we're there -- we're	16 on you --
17 from IAD and we're there to build a case on	17 A. That's what I testified before.
18 people there.	18 Q. Okay.
19 Q. Okay. Did you personally hear George	19 A. Yes.
20 Flores saying these things or someone told you?	20 Q. And that only occurred once, correct?
21 A. Somebody told us.	21 A. That sentence, yeah. That statement.
22 Q. Okay. Do you recall who told you	22 Q. Okay.
23 George Flores said such things?	23 A. But, I mean, she'd make comments
24 A. I want to say her name was Robinson,	24 constantly.
Page 110	Page 112
1 the last name.	1 Q. Okay. And then the next paragraph
2 Q. Okay.	2 says, on September 13, 2011, you met with
3 A. I can't think of her first name right	3 Commander Stanley?
4 now. Aileen, Aileen, something like that.	4 A. What paragraph?
5 Q. Do you know what her position was?	5 Q. 61. I'm sorry.
6 A. I think she was a civilian up there.	6 A. Okay.
7 Q. Okay.	7 Q. And I'm just going to ask you about
8 A. And I think she said something to the	8 that meeting --
9 effect of Flores was -- that she thought we	9 A. Okay.
10 should know what Flores is saying and Flores can	10 Q. -- with Commander Stanley. Was that
11 say that with certainty because it came from	11 you and Officer Spalding and Commander Stanley
12 Lieutenant Pascua because they were very close	12 present?
13 together.	13 A. Yes.
14 Q. Okay. And Ms. Robinson worked in the	14 Q. Okay. What do you recall being said by
15 Inspections Division?	15 any of the participants in that meeting?
16 A. I want to say it was a different area	16 A. Well, I know I addressed my concerns
17 of the office.	17 about Pascua's unprofessional conduct, I know my
18 Q. But on the same floor?	18 partner, Shannon Spalding, addressed the same
19 A. But on the same floor. Like I said,	19 comments, the comments that we testified
20 within 60 feet or so.	20 before -- I testified before.
21 Q. Okay.	21 Q. I'm going to need you to tell me as
22 A. I want to say it was a Domestic	22 best as you can recall, specifically what you or
23 Violence or CAPS type of setting there.	23 Officer Spalding said to Commander Stanley.
24 Q. Okay. And did Ms. Robinson tell you	24 A. I told her, it's very hostile up there,

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<p style="text-align: right;">Page 113</p> <p>1 we feel unwanted, the comments and I quoted the 2 comments.</p> <p>3 Q. Which comments do you recall quoting to 4 her?</p> <p>5 A. Fuck them from Narcotics, I'm a case -- 6 I'm a manager -- I'm a lawyer, I know how to put 7 a case. We expressed that she stated that she 8 wants to get us -- she's working on getting us 9 launched, she called us rat motherfuckers. Just 10 total, you know, unprofessional stuff that you 11 wouldn't expect from --</p> <p>12 Q. Sure. And what do you recall Commander 13 Stanley saying?</p> <p>14 A. She said that she don't want to hear 15 it. In fact, she would interrupt me and my 16 partner when we were in the middle of doing a 17 statement to her. And she would repeat, I don't 18 want to hear it. We told her, we want a 19 complaint from this. And she said, you're not 20 going to get it here.</p> <p>21 Q. Okay.</p> <p>22 A. She said, if you want a complaint, a 23 CR, if that's what you're asking for, and she 24 pointed like to the area where IAD would be at,</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. She said she may address it?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. Do you recall her saying 4 anything else?</p> <p>5 A. That was it.</p> <p>6 Q. Okay. And following that meeting at 7 some point your reporting assignment was changed 8 from Lieutenant Pascua to Lieutenant Sadowski, 9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember how soon after that 12 meeting that occurred?</p> <p>13 A. There was a meeting I think Adrienne 14 Stanley had where -- like a staff meeting.</p> <p>15 Q. Okay.</p> <p>16 A. And I don't know if they had those 17 regularly or if that was her way of addressing 18 it during a staff meeting.</p> <p>19 Q. Sure, sure.</p> <p>20 A. But I think that infuriated Pascua even 21 more.</p> <p>22 Q. Okay. And what do you remember 23 Commander Stanley saying in that staff meeting 24 about?</p>
<p style="text-align: right;">Page 114</p> <p>1 she said, you get it from them over there.</p> <p>2 Q. Okay.</p> <p>3 A. You're his people, is what she said.</p> <p>4 Q. Okay.</p> <p>5 A. At least that's what I recall her 6 saying.</p> <p>7 Q. Okay. Do you remember --</p> <p>8 A. I told her, no, you are going to hear 9 it, and I reiterated it. I'm sure she heard 10 every thing I had to say.</p> <p>11 Q. Okay.</p> <p>12 A. I mean, I heard what she said, I know 13 she had to hear what I said or at least 14 partially.</p> <p>15 Q. Okay. And do you recall anything else 16 Commander Stanley said in that meeting?</p> <p>17 A. She said that she's not -- like I said, 18 she said she's not going to take that -- she 19 won't take the number if we wanted it. She 20 pointed towards the IAD section.</p> <p>21 Q. Okay.</p> <p>22 A. She said that she's going to -- I want 23 to say she may go -- she may address it, is what 24 she said.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. She emphasized professionalism, she 2 emphasized something about working together. But 3 it didn't seem to me that she was being very 4 specific to what I had expressed concerns or 5 what Shannon had -- Officer Spalding had 6 expressed concerns. It seemed like a very 7 broad, vague statement to me.</p> <p>8 Q. Okay.</p> <p>9 A. But then --</p> <p>10 Q. But she held a staff meeting and she 11 discussed along the lines of people being 12 respectful and working well together; is that 13 fair?</p> <p>14 A. Yeah, something like that may have -- 15 but it's like a very vague statement.</p> <p>16 Q. Okay.</p> <p>17 A. It didn't seem like it was 18 addressing --</p> <p>19 Q. She didn't mention you or Officer 20 Spalding specifically, correct?</p> <p>21 A. No.</p> <p>22 Q. Okay. In that same staff meeting, did 23 she announce that you were now going to be 24 reporting to Lieutenant Sadowski?</p>

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<p style="text-align: right;">Page 117</p> <p>1 A. I don't know -- no, not during that 2 meeting. I don't know if later on she told us 3 or I think Lieutenant Sadowski may have 4 approached us and said that we were going to 5 report to him.</p> <p>6 Q. Okay. Do you think that was after that 7 staff meeting that you learned you were 8 reporting to Sadowski or before?</p> <p>9 A. I want to say after it.</p> <p>10 Q. Okay. How long after the staff meeting 11 do you think that?</p> <p>12 A. I don't know, I don't know. I couldn't 13 tell you a time frame.</p> <p>14 Q. Okay.</p> <p>15 A. It wasn't no hours after, you know.</p> <p>16 Q. Sure, sure.</p> <p>17 And do you recall approximately how 18 long after your meeting with Commander Stanley 19 that she held the staff meeting?</p> <p>20 A. I don't recall, either.</p> <p>21 Q. Okay.</p> <p>22 A. It wasn't hours after, either.</p> <p>23 Q. Sure.</p> <p>24 A. I mean, like said, there may have -- I</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Because Mike, who used to sit there, 2 used to complain about the computer that doesn't 3 work there at all, either. So you can tell 4 somebody else that story.</p> <p>5 Q. All right.</p> <p>6 A. And I just said, well, then you know.</p> <p>7 Q. Okay.</p> <p>8 A. And he also said, maybe you should meet 9 with the commander.</p> <p>10 Q. Okay. Other than what you just 11 testified to, do you recall --</p> <p>12 A. I mean --</p> <p>13 Q. -- Lieutenant Sadowski saying anything 14 else in that conversation?</p> <p>15 A. No.</p> <p>16 Q. Okay. Now, when he referenced Mike, do 17 you know who he was referring to?</p> <p>18 A. There was a gentleman, an officer that 19 used to sit there.</p> <p>20 Q. Okay.</p> <p>21 A. And I think his name was Mike.</p> <p>22 Q. Okay. And did you understand his point 23 was that Mike had also had problems with 24 Lieutenant Pascua?</p>
<p style="text-align: right;">Page 118</p> <p>1 think they used to have these staff meetings 2 regularly and I think this was just something 3 that she used to --</p> <p>4 Q. Address the issues?</p> <p>5 A. -- attempt to address the issue, if you 6 ask me.</p> <p>7 Q. Okay, fair enough.</p> <p>8 MR. SMITH: Objection, foundation.</p> <p>9 THE WITNESS: And, in fact, when we met 10 with Adrienne Stanley, Lieutenant Sadowski had 11 approached us and he said that -- because, see, 12 I had moved my cubical. I moved from one 13 cubical to another. And I used the excuse as 14 the computer doesn't work there.</p> <p>15 BY MR. KING:</p> <p>16 Q. Okay.</p> <p>17 A. And Sadowski said, bullshit, I know why 18 you're moving, because you don't want to hear 19 her nonsense, her bullshit. And I said, what 20 are you talking about. He says, it's no secret, 21 it's no secret what she is up here and what 22 she's doing up here. I've heard it, I've 23 witnessed it.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. I didn't understand that from that 4 conversation at all.</p> <p>5 Q. Okay.</p> <p>6 A. In fact, I think when he said that, he 7 knew what we were talking about. Because at 8 that point, even Shannon may have been present.</p> <p>9 He said -- I think we asked him as well about a 10 CR number. He said, oh, no, you talk to her 11 about that. Meaning Adrienne Stanley.</p> <p>12 Q. Sure. Do you recall specifically you 13 asked Sadowski about a CR number or are you not 14 sure?</p> <p>15 A. I want to say it's pretty sure.</p> <p>16 Q. Okay.</p> <p>17 A. I said, can't you address it with a 18 complaint? He said, no.</p> <p>19 Q. Okay, all right. And that's before 20 you --</p> <p>21 A. Something along those effect -- that 22 effect.</p> <p>23 Q. That's fine. And that's before you 24 have the meeting that you testified to with</p>

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<p>1 Commander Stanley?</p> <p>2 A. Correct, yeah.</p> <p>3 Q. Okay. Once you're reassigned to</p> <p>4 Lieutenant Sadowski, is it your position that</p> <p>5 Lieutenant Pascua engaged in any further</p> <p>6 retaliation or harassment against you?</p> <p>7 A. Yeah, it would still continue.</p> <p>8 Q. What would still continue?</p> <p>9 A. Her comments. I mean, everybody sat</p> <p>10 there within earshot.</p> <p>11 Q. Okay.</p> <p>12 A. I mean, the Inspection Division may</p> <p>13 have been maybe this size on each side of the</p> <p>14 cubical. So it's not a big area, you know. And</p> <p>15 she was not quiet when she spoke. She don't --</p> <p>16 she spoke so that you can hear her, is the way</p> <p>17 she spoke.</p> <p>18 Q. Okay. After the commander holds a</p> <p>19 staff meeting and after you're reassigned to</p> <p>20 Lieutenant Sadowski, is it your testimony that</p> <p>21 after that, Lieutenant Pascua --</p> <p>22 A. Continued.</p> <p>23 Q. -- continued to refer to you as rats</p> <p>24 and rat motherfuckers and the like?</p>	<p>Page 121</p> <p>1 Sadowski didn't also refer to you all as rats or</p> <p>2 make similar comments, correct?</p> <p>3 A. No.</p> <p>4 Q. Is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. What do you mean in Paragraph 64</p> <p>7 that he repeatedly attempted to lodge false</p> <p>8 allegations against you?</p> <p>9 A. Well, he attempted to write me up. It</p> <p>10 had to do something along the lines of OPY and</p> <p>11 this -- some overtime or time due slip with some</p> <p>12 question.</p> <p>13 Q. Why don't we look at this document.</p> <p>14 (Whereupon, Echeverria</p> <p>15 Deposition Exhibit No. 5 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. KING:</p> <p>18 Q. Officer Echeverria, I'm showing you a</p> <p>19 document that's been marked as Deposition</p> <p>20 Exhibit No. 5. It's a counseling session report</p> <p>21 with your name on it and Kevin Sadowski. Is</p> <p>22 this what you're referring to in Paragraph 64</p> <p>23 where you indicate that Lieutenant Sadowski</p> <p>24 attempted to lodge false allegations against</p>
<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. It never stopped.</p> <p>4 Q. Okay.</p> <p>5 MR. SMITH: When you get to a</p> <p>6 transition point, can we take a short break?</p> <p>7 MR. KING: Yes. We can do it now.</p> <p>8 (Whereupon, a short break was</p> <p>9 taken.)</p> <p>10 BY MR. KING:</p> <p>11 Q. Officer Echeverria, you testified to</p> <p>12 the staff meeting that Commander Stanley held.</p> <p>13 Lieutenant Pascua was at that meeting, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And Lieutenant Sadowski, also?</p> <p>16 A. Yes.</p> <p>17 Q. And if I can direct your attention back</p> <p>18 to the Amended Complaint, Paragraph 64. You</p> <p>19 indicate that Lieutenant Sadowski joined in</p> <p>20 Lieutenant Pascua's campaign by repeatedly</p> <p>21 attempting to lodge false allegations of</p> <p>22 wrongdoing against Plaintiffs.</p> <p>23 A. Yes.</p> <p>24 Q. Before we get to that, Lieutenant</p>	<p>Page 122</p> <p>1 you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And --</p> <p>4 A. Page 2 of the -- I'm sorry, Page 2 of</p> <p>5 this is the same?</p> <p>6 Q. Page 1 is addressed to you and I</p> <p>7 believe Page 2 is addressed to Lieutenant -- or</p> <p>8 excuse me, Officer Spalding.</p> <p>9 A. Okay.</p> <p>10 Q. And did Lieutenant Sadowski have a</p> <p>11 meeting with you about this subject?</p> <p>12 A. He attempted to. It was very brief.</p> <p>13 Q. Okay. Explain that, how he attempted</p> <p>14 to have a meeting.</p> <p>15 A. He had us come in, I want to say,</p> <p>16 prior -- at that point, we were operational with</p> <p>17 Brass Tax. And he, I want to say, instructed us</p> <p>18 to come in earlier or something to that</p> <p>19 effect --</p> <p>20 Q. Okay.</p> <p>21 A. -- and he presented this to me.</p> <p>22 Q. Okay. Was Officer Spalding also</p> <p>23 present?</p> <p>24 A. No, she was not.</p>

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1 Q. Okay. So this Exhibit 5, are you	1 you about --
2 saying that Lieutenant Sadowski handed it to	2 A. I couldn't tell you a time frame
3 you?	3 without being exact.
4 A. Yes. We met. We sat at a cubical.	4 Q. What did you respond to him when he
5 Q. And what do you recall him saying and	5 asked you about your availability for OPY?
6 you saying?	6 A. He explained what OPY was.
7 A. He presented this to me.	7 Q. Okay.
8 Q. Okay.	8 A. I acknowledged what it was. And
9 A. I looked at it and I said, you know,	9 basically what it was, it's operation to protect
10 this is not accurate.	10 the youth. So people who work a desk position
11 Q. Okay.	11 were to rotate in the field.
12 A. And then he asked me to explain how is	12 Q. Okay.
13 it not accurate. Then he also presented the	13 A. And during the -- I think it was during
14 time due slips to me, as well.	14 the school. It's similar to what is Safe
15 Q. Which is the third page of this	15 Passage today.
16 exhibit, correct?	16 Q. Sure.
17 A. Yes.	17 A. And I told him that we were not
18 Q. Okay. Well, let's look at -- let's	18 eligible or we are not to do that because we are
19 take these two incidents separately. The first	19 not a desk assigned personnel. We are field
20 incident he's written, fail to notify a	20 personnel since we are doing this junction with
21 supervisor assigned to Unit 126 about the status	21 IAD Confidentials with our investigation that we
22 of eligibility for OPY, Operation Project Youth.	22 were assisting at.
23 A. Uh-huh.	23 Q. Okay. So let me get this -- tell me if
24 Q. Are you saying that's incorrect?	24 this is correct. You essentially told the
Page 126	Page 128
1 A. Yeah, I'm saying that.	1 lieutenant that despite the fact that you were
2 Q. Okay. Do you recall Operation Project	2 detailed to Unit 126 Inspections, you didn't
3 Youth?	3 have to participate in OPY because you were also
4 A. Yes, I know exactly what it is.	4 working in the confidential investigation?
5 Q. Okay. And were you ever asked to	5 A. Right.
6 indicate your eligibility for that?	6 Q. Okay. And the second item here that he
7 A. Yes, I was.	7 mentions, failed to notify supervisor assigned
8 Q. And who asked you that?	8 to 126 when you worked overtime on November 21,
9 A. It may have been Lieutenant Sadowski	9 2011.
10 himself.	10 And as you said, the third page of this
11 Q. Okay. But you don't recall if it was	11 exhibit refers to that overtime, correct?
12 Sadowski or somebody else?	12 A. Yes.
13 A. Yeah. I say it may have been him	13 Q. Okay. And that overtime was --
14 himself.	14 A. That was fieldwork.
15 Q. I understand you're saying it may have	15 Q. -- was field work. And was that
16 been. My question --	16 approved by Juan Rivera?
17 A. Okay. It was Lieutenant Sadowski.	17 A. Yes, it was.
18 Q. That's your recollection?	18 Q. Okay. But that overtime work was not
19 A. Yes.	19 requested by or approved by anyone in Unit 126,
20 Q. Okay. And how did he ask you about	20 correct?
21 your availability, in person, in an e-mail?	21 A. No. Yes, it was. That -- to that date
22 A. In person.	22 in question --
23 Q. Okay. And how long prior to this	23 Q. Yes.
24 meeting that we're talking about had he asked	24 A. -- Lieutenant Sadowski was informed

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<p style="text-align: right;">Page 129</p> <p>1 that we would be in the field with -- whether it    2 was Al Bohmer or Chester --</p> <p>3 Q. Okay.</p> <p>4 A. -- or FBI personnel or the liaison at    5 the FBI building, and he was informed. He knew    6 we were going there, he knew our start time.    7 And I had text him -- he was very specific that    8 he wanted me to use my personal equipment to    9 text him when we were done.</p> <p>10 Q. Okay.</p> <p>11 A. So he can note when we were finished.</p> <p>12 Q. Okay.</p> <p>13 A. And when we expressed that concern to    14 the liaison, the supervisor we were reporting    15 to, CPD personnel, they said that's unheard of.</p> <p>16 Q. Okay.</p> <p>17 A. You're reporting to us, you're    18 dismissed by us. Why would you have to do that?    19 Just go ahead and do that so that -- they're    20 strange up there is what they quoted. So we did    21 so.</p> <p>22 Q. Okay.</p> <p>23 A. And so let's just -- I'll give you an    24 example. Don't -- do you want me to finish or</p>	<p style="text-align: right;">Page 131</p> <p>1 this counseling or write up or intervention or    2 whatever you want to call it.</p> <p>3 Q. I see.</p> <p>4 A. And I told him, that's not accurate. I    5 said I had sent him another text message, as    6 well. And he claimed he did not receive it.</p> <p>7 Q. Okay.</p> <p>8 A. Or he didn't -- he said, well, show me    9 or prove it to me. And I printed it up and I    10 gave it to him. And then he said, well, that    11 doesn't read the content of the text. And at    12 that time I told him he was being unreasonable    13 because it doesn't timestamp the message in and    14 message out.</p> <p>15 Q. Okay.</p> <p>16 A. And then at that point, I said, and in    17 fact right now we're in the middle of having to    18 go to the FBI building. And then we met with    19 FBI personnel and CPD personnel and we even met    20 with Chief Rivera.</p> <p>21 Q. Okay.</p> <p>22 A. And I expressed to Chief Rivera what is    23 transpiring.</p> <p>24 Q. Sure.</p>
<p style="text-align: right;">Page 130</p> <p>1 do you want me to continue?</p> <p>2 Q. I don't think your example is    3 responsive to my question.</p> <p>4 A. Okay. Let's leave it alone, then.</p> <p>5 Q. So let me ask you a question.</p> <p>6 A. All right.</p> <p>7 Q. So is it your testimony that on this    8 date, November 21, 2011, Lieutenant Sadowski    9 knew that you worked overtime?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And he knew it that same day?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And when you had the meeting    14 with him, was there any discussion about why he    15 was claiming you failed to notify him?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What did you say about that?</p> <p>18 A. He stated that I had text him at X    19 hours --</p> <p>20 Q. Okay.</p> <p>21 A. -- and the slip reflects a different    22 time.</p> <p>23 Q. Okay.</p> <p>24 A. And that's why he was attempting to do</p>	<p style="text-align: right;">Page 132</p> <p>1 A. And he said, I had addressed that with    2 him already.</p> <p>3 Q. Okay.</p> <p>4 A. So that's why the write up never got    5 signed.</p> <p>6 Q. Right.</p> <p>7 A. Because at that point --</p> <p>8 Q. It's your understanding that this write    9 up never got signed because Chief Rivera    10 intervened, correct?</p> <p>11 A. Sure.</p> <p>12 Q. Okay.</p> <p>13 A. Because I had explained to Lieutenant    14 Sadowski that we were field personnel and OPY    15 did not --</p> <p>16 Q. You told me.</p> <p>17 A. Correct.</p> <p>18 Q. Explain to me the two texts you sent    19 Lieutenant Sadowski.</p> <p>20 A. He wanted -- like I said, I may have    21 text him and -- see, this day in question, we    22 did a scenario, I want to say, with the    23 investigation. So I may have texted him at    24 whatever time.</p>

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<p>1 Q. Right.</p> <p>2 A. And then the slip got signed for</p> <p>3 whatever time.</p> <p>4 Q. Right.</p> <p>5 A. It was because we were detained by</p> <p>6 Chief Rivera.</p> <p>7 Q. Okay. So just so I'm clear, you texted</p> <p>8 him a time that you were done working?</p> <p>9 A. Yeah.</p> <p>10 Q. And then when you presented the</p> <p>11 overtime slip to him, it showed that you</p> <p>12 continued to work more time, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. The second text that you</p> <p>15 referred to, what did that text say?</p> <p>16 A. I want to say I told him, we are</p> <p>17 leaving now or we're just leaving now or we got</p> <p>18 detained, something along to that effect.</p> <p>19 Q. Okay.</p> <p>20 A. I can't recall.</p> <p>21 Q. Okay.</p> <p>22 A. But he did get informed of the</p> <p>23 different times.</p> <p>24 Q. Okay. And you said he indicated he</p>	<p>Page 133</p> <p>1 attempt to discipline you as reflected in</p> <p>2 Exhibit 5, is there anything else that</p> <p>3 Lieutenant Sadowski did that you felt was</p> <p>4 retaliation against you?</p> <p>5 A. Other than -- I mean, it's black and</p> <p>6 white here. So this is it.</p> <p>7 Q. Other than Exhibit 5?</p> <p>8 A. That would be it.</p> <p>9 Q. Okay, thank you.</p> <p>10 And I assume any alleged retaliation or</p> <p>11 harassment that you're claiming with respect to</p> <p>12 Lieutenant Pascua was only during the period</p> <p>13 that you were assigned to Inspections, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. In Paragraph 65 of the Amended</p> <p>16 Complaint, there's a reference to two sergeants</p> <p>17 of the Internal Affairs Division telling</p> <p>18 Plaintiffs, quote, sometimes you have to turn a</p> <p>19 blind eye to misconduct. Did you hear that?</p> <p>20 A. Yes.</p> <p>21 Q. Are you aware of who those two</p> <p>22 sergeants were?</p> <p>23 A. Yes.</p> <p>24 Q. Who were they?</p>
<p>Page 134</p> <p>1 didn't get that text or that it didn't convey</p> <p>2 the accurate information?</p> <p>3 A. That's something like -- something that</p> <p>4 he said to that effect. Or he said no, you</p> <p>5 didn't inform me or something along to that</p> <p>6 effect.</p> <p>7 Q. Okay. So to the best of your</p> <p>8 knowledge, this discipline was never finalized,</p> <p>9 is that fair to say?</p> <p>10 A. Right. Because when we met with Chief</p> <p>11 Rivera, I said, you know -- he said, how did it</p> <p>12 go. And I said, you know what, Lieutenant</p> <p>13 Sadowski attempted to do this. And he said,</p> <p>14 wow, okay, well, let me address that.</p> <p>15 Q. Okay.</p> <p>16 A. So I don't know what he may have</p> <p>17 explained to them or not.</p> <p>18 Q. Okay. And is it your testimony that</p> <p>19 Lieutenant Sadowski's attempt to discipline you</p> <p>20 here was somehow retaliation for working on</p> <p>21 Operation Brass Tax, is that what you're</p> <p>22 claiming?</p> <p>23 A. Sure.</p> <p>24 Q. Okay. Other than Lieutenant Sadowski's</p>	<p>Page 136</p> <p>1 A. Mike Barz and I can't remember the</p> <p>2 second gentleman's name. I don't know, but he</p> <p>3 was definitely also a confidential personnel.</p> <p>4 Q. Okay.</p> <p>5 A. He may have even been introduced to me,</p> <p>6 but I don't remember his name.</p> <p>7 Q. And was this statement in a single</p> <p>8 conversation where Mike Barz was there and the</p> <p>9 other officer was there?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And do you remember where that</p> <p>12 conversation took place?</p> <p>13 A. Yeah, at headquarters.</p> <p>14 Q. Okay. And was Officer Spalding also</p> <p>15 present?</p> <p>16 A. Yes.</p> <p>17 Q. And do you recall what was said in the</p> <p>18 conversation that led to one of the sergeants</p> <p>19 making that statement?</p> <p>20 A. We were talking something along the</p> <p>21 lines of -- or he was mentioning something along</p> <p>22 the lines -- it was in reference to Brass Tax,</p> <p>23 that it's not so much what you know, it's what</p> <p>24 you can prove. Sometimes you have to turn a</p>

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1 blind eye to what you know because you can't	1 Q. Okay.
2 prove it.	2 A. And then a female voice, which I think
3 Q. Okay.	3 may have been his secretary, asked how she may
4 A. Something to that effect.	4 help me. And I said, I would like to make an
5 Q. Okay. Talking about information you	5 appointment to speak with the chief.
6 were developing on Watts?	6 Q. Okay.
7 A. I can't tell you with certainty at this	7 A. And she questioned me as to what it was
8 time.	8 in regards to. I told her it was a confidential
9 Q. Okay. Do you recall if it was Mike	9 matter.
10 Barz or the other officer that made the	10 Q. Okay.
11 statement, sometimes you have to turn a blind	11 A. She said, are you -- she asked me, who
12 eye?	12 I was, I identified myself.
13 A. Mike Barz.	13 Q. Yeah.
14 Q. Okay. In Paragraph 68 of the Complaint	14 A. She asked me if I was Unit 189
15 you indicate that after the indictments of Watts	15 personnel.
16 and Mohammed, because you had already been	16 Q. Yes.
17 established to be rats, you weren't allowed to	17 A. And I said, yes, I am. She asked me if
18 go back to Narcotics.	18 I was detailed or assigned anywhere else. I
19 That allegation that Chief Roti didn't	19 said, I'm assigned but detailed to this unit,
20 allow you to go back to Narcotics or any other	20 to --
21 division, was that based on what you previously	21 Q. Did you tell her you were assigned
22 testified to that you had been told about a	22 to --
23 meeting where Roti was present?	23 A. To Narcotics, to 189.
24 A. Yes, from Chief Rivera.	24 Q. Okay. But you were detailed to another
Page 138	Page 140
1 Q. Okay. So Roti didn't tell you or make	1 unit?
2 any statements new after the Watts and Mohammed	2 A. Right, to an outside unit.
3 indictments that you couldn't come back,	3 Q. Okay. Did you remember if you told her
4 correct?	4 at the time you were detailed to Inspections or
5 A. No. I've never spoken to him.	5 did you just say to an outside unit?
6 Q. Right, okay. Did you at some point try	6 A. I want to say I was specific.
7 to speak with Chief Roti about --	7 Q. Do you think it was Inspections at the
8 A. I believe I may have reached out to him	8 time?
9 once.	9 A. Yes, I was specific.
10 Q. Okay. And that was by telephone?	10 Q. Okay.
11 A. Correct.	11 A. And then she asked me again, well, you
12 Q. Okay. Do you recall when that was?	12 need to tell me what this is in regards to.
13 A. I can't give an exact date, but it	13 Q. Okay.
14 never happened. I never got an appointment to	14 A. And I told her, it was a confidential
15 see him. It was denied.	15 matter.
16 Q. Okay. Do you know if that conversation	16 Q. Okay.
17 or that phone call you placed was in March of	17 A. And she said, well, I cannot give you
18 2012?	18 and I won't give you an appointment unless
19 A. I can't tell you an exact date.	19 you -- if you can't tell me this information,
20 Q. Okay. Tell me what you recall about	20 confidential or not, I can't give you an
21 that phone conversation.	21 appointment. And I said -- I said, it's very
22 A. I called the Organized Crime unit, I	22 confidential, I cannot disclose that
23 believe the phone was answered by a gentleman	23 information.
24 and then I was placed on hold.	24 Q. Okay.

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1 A. And she said, well, then I can't give 2 you an appointment and she hung up. That was 3 the end of the conversation.	1 Chief Juan Rivera to open a CR number for you?
4 Q. Okay. And did you swear at all in the 5 conversation?	2 A. Yes, we asked him for intervention.
6 A. No, I did not.	3 Yes, absolutely.
7 Q. Okay.	4 Q. Okay. I understand you asked him for
8 A. It's not my style.	5 intervention. Did you ever ask him to open a
9 Q. Would you say you were heated or 10 agitated?	6 CR?
11 A. Not at all.	7 A. Yes.
12 Q. And do you know who this female was 13 that you were speaking to?	8 Q. Okay. Did that happen once or how many 9 times do you think you asked him to open a CR?
14 A. I would guess it was -- it would be if 15 you would call and make -- ask for an 16 appointment --	10 A. Many times.
17 Q. Sure.	11 Q. Many times?
18 A. -- you would have to speak to his 19 direct secretary, is what I would guess.	12 A. Yeah. Definitely not once.
20 Q. Okay.	13 Q. Okay. And do you recall what he would
21 A. So I would guess maybe it was his 22 direct secretary.	14 say in response to that request?
23 Q. Okay. Do you recall in that same 24 conversation also the phone being given to a	15 A. Hang in there.
	16 Q. He'd say, hang in there?
	17 A. Hang in there.
	18 Q. Okay. And Commander Stanley, any 19 alleged retaliation that you claim she engaged 20 in was all during the time that you were 21 assigned to Inspections, correct?
	22 A. Correct.
	23 Q. And at a certain point, you and Officer 24 Spalding applied for positions in the Fugitive
Page 142	Page 144
1 sergeant? Were you talking to a sergeant?	1 Apprehension unit, correct?
2 A. Not at all. I spoke to two people.	2 A. Yes.
3 Q. Okay.	3 Q. Okay. And you put in applications,
4 A. One was a gentleman who said, can you 5 hold please.	4 both Chief Rivera and Lieutenant Skahill 5 provided --
6 Q. Okay.	6 A. Chief Skahill, yes.
7 A. I was placed on hold momentarily and 8 then the phone was picked up by a female 9 person.	7 Q. I'm sorry. Chief Skahill provided 8 letters of recommendation for you?
10 Q. Okay. Do you remember the female 11 telling you something to the effect that you 12 needed to go through the chain of command?	9 A. Yes.
13 A. No, I cannot remember that.	10 Q. And Officer Spalding, correct?
14 Q. Okay. She may have said that, may not?	11 A. Correct.
15 A. It was basically what I told you, that 16 was it.	12 Q. Okay. And you got in to Fugitive 13 Apprehension?
17 Q. Okay. Did you ever complain, you or 18 Officer Spalding, to your knowledge, complain 19 about any alleged retaliation to Tina Skahill?	14 A. Yes.
20 A. No.	15 Q. Okay. I assume you're not claiming 16 that the move to Fugitive Apprehension was 17 retaliation?
21 Q. Okay. And you never asked Tina Skahill 22 to pull a CR number for you, correct?	18 A. No. It was supposed to be a clean 19 slate.
23 A. Correct.	20 Q. Okay. Would you agree that Fugitive 21 Apprehension is a very desirable unit in the 22 police department?
24 Q. Okay. Did you ever specifically ask	23 A. It's a specialized unit, among others.
	24 Q. Okay. Fair to say it's desirable,

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<p style="text-align: right;">Page 145</p> <p>1 something a lot of people apply for?  2 A. I don't know -- I can't say what a lot  3 of people might want or not want.  4 Q. Okay.  5 A. But it is a specialized unit.  6 Q. Okay.  7 A. I mean, different strokes for different  8 folks, you know.  9 Q. Sure. And during the time that you and  10 Officer Spalding have worked in Fugitive  11 Apprehension, you were never part of a U.S.  12 Marshal's Task Force, correct?  13 A. We worked on a task force team but  14 never deputized as a Marshal or received any  15 credentials as a...  16 Q. So you worked on a team where some of  17 the officers had been deputized by the U.S.  18 Marshal?  19 A. Pretty much.  20 Q. But you and Officer Spalding --  21 A. Were not.  22 Q. -- were not, correct?  23 A. Right.  24</p>	<p style="text-align: right;">Page 147</p> <p>1 in one of our many meets and we asked maybe we  2 can get a federal task force.  3 Q. Okay.  4 A. Maybe we can meet with the  5 superintendent. And he said, I would agree, you  6 should meet with him.  7 Q. Okay. Did you ever have a meeting with  8 the superintendent?  9 A. Never.  10 Q. Okay.  11 A. I never met the man.  12 Q. Okay. So you never met and requested a  13 federal task force. So you understood when you  14 were going into Fugitive Apprehension, you  15 weren't part of a federal task force, correct?  16 A. Correct.  17 Q. Okay.  18 A. At that time.  19 Q. Okay. And then the next paragraph  20 says, Chief Byrne reiterated to us, it won't be  21 like a fed unit, it will be a CPD tact concept.  22 Had you had a conversation with Chief Byrne?  23 A. Yes, I did.  24 Q. And this was about you and Officer</p>
<p style="text-align: right;">Page 146</p> <p>1 (Whereupon, Echeverria  2 Deposition Exhibit No. 6 was  3 marked for identification.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Officer Echeverria, I'm showing you  6 another e-mail or a couple of e-mails that have  7 been marked Deposition Exhibit No. 6. The  8 bottom half is an e-mail to you from Juan Rivera  9 and the upper half is an e-mail from you to Juan  10 Rivera. Do you recall these e-mails?</p> <p>11 A. Sure.</p> <p>12 Q. Okay.</p> <p>13 A. I mean, it's written from me, right?</p> <p>14 Q. Yes.</p> <p>15 A. Yeah.</p> <p>16 Q. Yes. And in your e-mail at the top of  17 the page in the second paragraph you write, we  18 agree with you that we should meet with the supe  19 and request the Fed Task Force. Do you see  20 that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that something that Juan Rivera had  23 suggested that you do?</p> <p>24 A. We had -- we had met with Juan Rivera</p>	<p style="text-align: right;">Page 148</p> <p>1 Spalding going into Fugitive Apprehension?</p> <p>2 A. Correct.</p> <p>3 Q. And what do you recall being said in  4 that conversation?</p> <p>5 A. We had met with him. He used to be our  6 commander in the 1st District at one time, so he  7 was aware of our -- of our work ethic.</p> <p>8 Q. Sure.</p> <p>9 A. And he was the chief I believe at that  10 time of the Bureau of Detectives. And we had  11 confided in him with our investigation. He said  12 that there are no openings at the present time.</p> <p>13 Q. Okay.</p> <p>14 A. For the U -- to be deputized as a U.S.  15 Marshal. And that at that time, he can have us  16 come over. But once -- but it would be like a  17 tact team concept.</p> <p>18 Q. Okay.</p> <p>19 A. And that once opportunity came or  20 openings came, of course we were -- we will be  21 eligible for it.</p> <p>22 Q. Okay.</p> <p>23 A. That was the sum of it.</p> <p>24 Q. Okay. And you write that he, Chief</p>
<p style="text-align: right;">Page 145</p> <p>1 something a lot of people apply for?  2 A. I don't know -- I can't say what a lot  3 of people might want or not want.  4 Q. Okay.  5 A. But it is a specialized unit.  6 Q. Okay.  7 A. I mean, different strokes for different  8 folks, you know.  9 Q. Sure. And during the time that you and  10 Officer Spalding have worked in Fugitive  11 Apprehension, you were never part of a U.S.  12 Marshal's Task Force, correct?  13 A. We worked on a task force team but  14 never deputized as a Marshal or received any  15 credentials as a...  16 Q. So you worked on a team where some of  17 the officers had been deputized by the U.S.  18 Marshal?  19 A. Pretty much.  20 Q. But you and Officer Spalding --  21 A. Were not.  22 Q. -- were not, correct?  23 A. Right.  24</p>	<p style="text-align: right;">Page 147</p> <p>1 in one of our many meets and we asked maybe we  2 can get a federal task force.  3 Q. Okay.  4 A. Maybe we can meet with the  5 superintendent. And he said, I would agree, you  6 should meet with him.  7 Q. Okay. Did you ever have a meeting with  8 the superintendent?  9 A. Never.  10 Q. Okay.  11 A. I never met the man.  12 Q. Okay. So you never met and requested a  13 federal task force. So you understood when you  14 were going into Fugitive Apprehension, you  15 weren't part of a federal task force, correct?  16 A. Correct.  17 Q. Okay.  18 A. At that time.  19 Q. Okay. And then the next paragraph  20 says, Chief Byrne reiterated to us, it won't be  21 like a fed unit, it will be a CPD tact concept.  22 Had you had a conversation with Chief Byrne?  23 A. Yes, I did.  24 Q. And this was about you and Officer</p>
<p style="text-align: right;">Page 146</p> <p>1 (Whereupon, Echeverria  2 Deposition Exhibit No. 6 was  3 marked for identification.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Officer Echeverria, I'm showing you  6 another e-mail or a couple of e-mails that have  7 been marked Deposition Exhibit No. 6. The  8 bottom half is an e-mail to you from Juan Rivera  9 and the upper half is an e-mail from you to Juan  10 Rivera. Do you recall these e-mails?</p> <p>11 A. Sure.</p> <p>12 Q. Okay.</p> <p>13 A. I mean, it's written from me, right?</p> <p>14 Q. Yes.</p> <p>15 A. Yeah.</p> <p>16 Q. Yes. And in your e-mail at the top of  17 the page in the second paragraph you write, we  18 agree with you that we should meet with the supe  19 and request the Fed Task Force. Do you see  20 that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that something that Juan Rivera had  23 suggested that you do?</p> <p>24 A. We had -- we had met with Juan Rivera</p>	<p style="text-align: right;">Page 148</p> <p>1 Spalding going into Fugitive Apprehension?</p> <p>2 A. Correct.</p> <p>3 Q. And what do you recall being said in  4 that conversation?</p> <p>5 A. We had met with him. He used to be our  6 commander in the 1st District at one time, so he  7 was aware of our -- of our work ethic.</p> <p>8 Q. Sure.</p> <p>9 A. And he was the chief I believe at that  10 time of the Bureau of Detectives. And we had  11 confided in him with our investigation. He said  12 that there are no openings at the present time.</p> <p>13 Q. Okay.</p> <p>14 A. For the U -- to be deputized as a U.S.  15 Marshal. And that at that time, he can have us  16 come over. But once -- but it would be like a  17 tact team concept.</p> <p>18 Q. Okay.</p> <p>19 A. And that once opportunity came or  20 openings came, of course we were -- we will be  21 eligible for it.</p> <p>22 Q. Okay.</p> <p>23 A. That was the sum of it.</p> <p>24 Q. Okay. And you write that he, Chief</p>

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<p style="text-align: right;">Page 149</p> <p>1 Byrne, also feels that a task force is what you 2 should request? 3 A. Yes. 4 Q. Okay. 5 A. He said that you should be on a task 6 force. 7 Q. Okay. So when he was indicating, when 8 there are openings, you should request to be on 9 a task force, correct? 10 A. Correct. That's how I interpret it. 11 Q. And then your last sentence of your 12 e-mail says, if all else fails, we agree working 13 with you in CIS would be best. 14 So you are indicating whatever -- if 15 all else -- if all else fails, you and Officer 16 Spalding would be agreeable to work -- working 17 for Chief Rivera, correct? 18 A. That's what it says. 19 Q. Okay. And do you have any personal 20 knowledge of James O'Grady speaking to anyone in 21 Fugitive Apprehension about you or Officer 22 Spalding? 23 A. Yes. 24 Q. And what's that based on?</p>	<p style="text-align: right;">Page 151</p> <p>1 A. Yes, she is. 2 Q. And she called you prior to you coming 3 into the unit? 4 A. Yes. She called the day before, the 5 night before, something like that. 6 Q. And what do you recall her saying to 7 you and you saying to her in that conversation? 8 A. That we are -- that she identified 9 herself, she was calling us to -- calling me to 10 inform me that the effective change date, which 11 whatever date that may have been -- 12 Q. Sure. 13 A. -- that we are to report to the 14 Fugitive Apprehension. She was welcoming us 15 there. And she said, I don't know if you know 16 or don't know yet, but she goes, the effective 17 change date. She said, that there was a meeting 18 going on with Commander O'Grady, I guess. She 19 said maybe -- with personnel there and maybe 20 he's upset that he's losing such great officers 21 or two of his officers. Something along those 22 lines. 23 Q. She told you there was a meeting going 24 on --</p>
<p style="text-align: right;">Page 150</p> <p>1 A. That's based on when we first got 2 there, the comment made to us by administrative 3 secretaries who are also sworn personnel and by 4 a phone call I received from another 5 administrative secretary informing me of a 6 reassignment to Fugitive Apprehension. 7 Q. Okay. And which of those things 8 happened first, the phone call or the -- 9 A. The phone call definitely happened 10 first. 11 Q. Okay. Do you recall who that phone 12 conversation was with? 13 A. It was with -- I can't think of her 14 last name. They call her Mo. Her name is 15 Maureen. 16 Q. Okay. 17 A. But I don't know her last name. She's 18 the sister of the officer that got shot, that 19 evidence technician. Maureen. I can't think of 20 her last name. 21 Q. But Maureen was an administrative 22 secretary -- 23 A. Yes. 24 Q. -- in Fugitive Apprehension?</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Yeah. 2 Q. -- with Commander O'Grady? 3 A. Yeah. I don't know if you know, but 4 you're coming over is what she said. 5 Q. Okay. And my question is it's your 6 testimony that she told you there was a meeting 7 going on with Commander O'Grady and Fugitive 8 Apprehension personnel? 9 A. Yes. 10 Q. Okay. 11 A. She said, I don't know if you know from 12 your unit yet or not, but I'm calling to let you 13 know you're coming over. 14 Q. Okay. 15 A. That was the end of the conversation. 16 Q. Okay. Did she say anything else about 17 this meeting? 18 A. No. 19 Q. And did you also testify that some 20 other administrative secretary -- 21 A. Yes. 22 Q. -- said something about Commander 23 O'Grady? 24 A. When we came into the unit?</p>

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Page 153	Page 155
1 Q. Yeah.	1 on the two conversations you just testified to,
2 A. I don't think we were there more than a	2 correct?
3 whole 10, 15 minutes. She said, so you guys are	3 A. Yes. And other things, as well.
4 the IAD rats or implants, to that effect.	4 Q. Okay. What other things?
5 Q. And do you recall who made that	5 A. Well, once we were in Barnes' team,
6 statement?	6 some officers reached out to us and said, we
7 A. Sure. It was two secretaries. One was	7 knew you guys were coming from IAD before you
8 Jan Hannah, Colleen Dugan.	8 guys got here.
9 Q. Okay.	9 Q. Okay.
10 A. So I don't know who said it first, but	10 A. He said, Sergeant Barnes told us.
11 they both echoed each other.	11 Q. Okay. Well, let's look at Paragraph 76
12 Q. Okay. And did Ms. Hannah or Ms. Dugan	12 of the Amended Complaint. It says, Sergeant
13 say anything else in this conversation?	13 Barnes thereafter informed your new team that
14 A. That was a shock to even hear that	14 you were rats and that you should not be
15 coming 10 minutes, 15 minutes in the door. That	15 trusted or backed up. Is that your testimony?
16 was the most -- I mean, that was --	16 A. Yes, it is.
17 Q. Do you recall them saying anything	17 Q. Okay. And where did you get that
18 else?	18 information?
19 A. That was it. So, you know, the way I	19 A. From team members.
20 see it is, you know, that explained the meeting	20 Q. Okay. And team members told you
21 with O'Grady and the personnel there.	21 specifically that Sergeant Barnes called you
22 Q. That's the conclusion you came to?	22 rats --
23 A. Yes, initially, at that time. Later	23 A. Yes.
24 on, yes, I confirmed it.	24 Q. -- and said you should not be trusted
Page 154	Page 156
1 Q. Later on you confirmed what?	1 or backed up?
2 A. That had to be it.	2 A. Yes.
3 Q. Okay. How did you confirm that that	3 Q. Which team member told you that?
4 had to be it?	4 A. The first one that I want to say that
5 A. When we met with Cesario, Barnes and	5 expressed their honesty, I guess, was Robert
6 Commander Salemme.	6 Walker.
7 Q. We'll get to that.	7 Q. Okay. And was this in a conversation
8 When you first went over to Fugitive	8 with Robert Walker and you and Officer Spalding?
9 Apprehension, you were on Sergeant Barnes' team,	9 A. Yes.
10 correct?	10 Q. And where did that conversation take
11 A. Yes.	11 place?
12 Q. Okay.	12 A. It either took place at the area, which
13 A. The day team.	13 would be where we would report into the office
14 Q. Day team, second watch?	14 on, what's that, Area 2 on 111th and Ellis, I
15 A. Yes.	15 believe it is. 111th and Ellis and it also may
16 Q. And the commander was --	16 have occurred in a vehicle or it could have been
17 A. Joseph Salemme.	17 both. Because we had many conversations with
18 Q. -- Salemme and your lieutenant was	18 Robert Walker, as well.
19 Cesario?	19 Q. Okay. And what do you recall Robert
20 A. Yes.	20 Walker saying to you as it relates to
21 Q. Okay. Paragraph 75 of the Complaint	21 Paragraph 76 of the Complaint?
22 talks about Defendant O'Grady informing your new	22 A. He said that he knew we were IAD before
23 supervisors that you were rats and should be	23 we got there, he knew we were rats or had called
24 treated accordingly. That allegation is based	24 it -- referenced us as rats because we had

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<p style="text-align: right;">Page 157</p> <p>1 worked on IAD cases with other officers, 2 involving officers. 3 He said that he made his assessment of 4 us and he doesn't have a problem working with us 5 and that people that have a problem with us it's 6 probably because they have something to worry 7 about and he has nothing to worry about, he will 8 work with us any time. And he said that 9 Sergeant Barnes is the one that informed him of 10 that.</p> <p>11 Q. Okay. Other than that conversation 12 that you just testified to with Robert Walker, 13 is there anything else that you're basing your 14 allegation that Barnes told your new team that 15 you were rats and they shouldn't work with you?</p> <p>16 A. Yeah.</p> <p>17 Q. What else?</p> <p>18 A. Officer Guishnere, Loren Guishnere.</p> <p>19 Q. Yes.</p> <p>20 A. He expressed similar comments, as well. 21 And he said that they were informed to be bad to 22 us. And he said, he can't be bad to anybody who 23 hasn't done anything to him personally.</p> <p>24 Q. Okay. And he --</p>	<p style="text-align: right;">Page 159</p> <p>1 the meeting from going forward. 2 And he said, where are you getting this 3 from. And I said, what difference does it make, 4 I'm addressing the team.</p> <p>5 Q. Okay.</p> <p>6 A. And Robert Walker said, shit, I said 7 it. I said you said it.</p> <p>8 Q. Okay.</p> <p>9 A. So that confirmed that, as well.</p> <p>10 Q. And what else was said after Robert 11 Walker said, I said it?</p> <p>12 A. He adjourned the meeting. He didn't 13 want the meeting to go forward anymore.</p> <p>14 Q. So Robert Walker says, I said it, and 15 Barnes immediately adjourns the meeting with no 16 further discussion?</p> <p>17 A. That's right.</p> <p>18 Q. Is that your testimony?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And prior to that team meeting, 21 had you had -- you or Officer Spalding had any 22 conversation with Sergeant Watts about --</p> <p>23 A. Sergeant Watts?</p> <p>24 Q. I'm sorry.</p>
<p style="text-align: right;">Page 158</p> <p>1 A. And he said Sarge is the one who told 2 us all about you guys. Sarge, referencing 3 Sergeant Barnes.</p> <p>4 Q. Okay. In the conversation with 5 Guishnere, did he say anything about rats?</p> <p>6 A. I mean, it was clear.</p> <p>7 Q. In the conversation with Guishnere, did 8 he say anything about rats?</p> <p>9 A. No.</p> <p>10 Q. Thank you.</p> <p>11 A. Okay.</p> <p>12 Q. Other than those two conversations with 13 Robert Walker and Guishnere, is there anything 14 else you're basing your allegation on that 15 Sergeant Barnes told the team that you were rats 16 and shouldn't be trusted or backed up?</p> <p>17 A. Yes.</p> <p>18 Q. What else?</p> <p>19 A. Well, there was an incident where he 20 held like a team meeting or something and I took 21 advantage of that team meeting and I addressed 22 the issue, did anybody have a problem working 23 with my partner and myself, did anybody think we 24 were rats or not. And Barnes tried to interrupt</p>	<p style="text-align: right;">Page 160</p> <p>1 A. No.</p> <p>2 Q. I'm sorry. Sergeant Barnes. I'm 3 sorry. Sergeant Barnes about the subject of him 4 allegedly referring to you as rats or telling 5 team members not to work with you or back you 6 up?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. I don't think Sergeant Watts would like 10 to talk to me. He'd like to put his hands 11 around my neck, more like it. That man's 12 dangerous. He's a gangster.</p> <p>13 Q. I don't doubt that.</p> <p>14 Paragraph 77 talks about at one point, 15 Sergeant Barnes removed you and Officer Spalding 16 from a high profile case. Do you know what 17 that's referring to?</p> <p>18 A. Yes.</p> <p>19 Q. Can you explain that to me?</p> <p>20 A. Shannon was assigned I believe a 21 homicide case that had been in the media 22 overnight or something like that and we had 23 worked -- Shannon had worked it up. And we were 24 in transit to go meet some of the victims or</p>

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1    witnesses.	1    in Fugitive Apprehension worked on that case or
2    Q. And who was with you?	2    picked up that case?
3    A. I want to say it was either Larry Odem	3    A. I couldn't tell you the status of that
4    or Kevin Williams or maybe even both.	4    case.
5    Q. Okay.	5    Q. Okay. Paragraph 78 in the Complaint
6    A. I can't say with -- I mean, I can't --	6    talks about Plaintiff Spalding talking to
7    Q. But it was definitely you --	7    Sergeant Barnes and Barnes repeatedly
8    A. Shannon.	8    referencing that you and Officer Spalding had
9    Q. -- Officer Spalding and Larry Odem	9    brought down a sergeant.
10   and/or Kevin Williams?	10   Did you ever hear Barnes making
11   A. Correct.	11   references to the fact that you and Officer
12   Q. Okay. And what happens next?	12   Spalding had brought down a sergeant?
13   A. And I believe Shannon got a phone call	13   A. Yes.
14   inquiring where she was at or what we were	14   Q. When did this occur?
15   doing.	15   A. At the area while we were working on
16   Q. Okay.	16   Barnes' team.
17   A. Shannon said, she stated where we were	17   Q. Okay. Was that one conversation or
18   en route to. We were literally minutes away	18   multiple conversations?
19   from our destination and Barnes instructed her	19   A. Barnes had multiple conversations with
20   to abort it.	20   Shannon.
21   Q. Okay. Could you hear the conversation	21   Q. Okay. I'm asking about you personally.
22   through the phone or no?	22   Did you personally ever have a conversation with
23   A. I can hear a conversation, I can hear a	23   Barnes where he referenced the fact that you and
24   male voice.	24   Shannon had brought down a sergeant?
Page 162	Page 164
1    Q. Okay.	1    A. Other than that one, no.
2    A. And based on what Shannon's answers	2    Q. Okay. You think you personally heard
3    were, I know she was talking to Barnes.	3    one?
4    Q. Okay.	4    A. Yes.
5    A. Because she said, oh, hey, Sarge,	5    Q. Okay. And do you know if this was
6    what's going on.	6    before the team meeting you testified to or
7    Q. Sure, sure.	7    after?
8    A. But to hear the definite	8    A. I couldn't tell if it was before or
9    conversation --	9    after.
10   Q. Right.	10   Q. Okay.
11   A. -- I don't -- I can't hear Barnes'	11   A. I don't want to misinform you.
12   words, but I can --	12   Q. That's fine.
13   Q. Do you recall Officer Spalding saying	13   Paragraph 79 has an allegation about
14   in that conversation to Barnes that Larry Odem	14   what Barnes allegedly told Plaintiff Spalding.
15   and/or Kevin Williams were with you?	15   Did you personally hear Barnes saying the words
16   A. Yeah, yes.	16   that are quoted in Paragraph 79?
17   Q. He knew that, right?	17   A. Yes.
18   A. Yeah.	18   Q. You were present for that?
19   Q. Okay. And to your understanding, he	19   A. I stood within earshot to hear the
20   asked you guys to abort. And was that the end	20   conversation.
21   of you and Officer Spalding working on that	21   Q. Okay. Is that the same conversation
22   case?	22   you were referring to in Paragraph 78?
23   A. That was the end of it.	23   A. No. That's different.
24   Q. Okay. Do you know who, if anyone, else	24   Q. Okay. And the one you heard in

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1 earshot, what do you recall hearing?	1 Q. Okay.
2 A. I recall Sergeant Barnes taking Shannon	2 A. Like I had initially did.
3 to, I don't know if it was a rear storage room	3 Q. Do you recall Sergeant Barnes, hearing
4 or an interview room converted to a storage room	4 Sergeant Barnes saying anything else in that
5 or something like that, but it was off -- a	5 incident?
6 room --	6 A. Yeah. He referred to back up not
7 Q. Okay.	7 coming or the team not liking us any more or the
8 A. -- up in the Detective Division.	8 team never liked us and things to that effect.
9 And I just found it awkward that -- I	9 Q. Okay. And --
10 mean, okay, so he wanted -- Shannon, let me talk	10 A. I mean, I don't want to go stick my
11 to you, they went back in the room. But then it	11 head in and -- I mean, I had to, you know, I
12 just seemed odd to me that why would he talk to	12 just -- I followed my instinct and I heard what
13 her -- I mean, I was looking at the clock, I'm	13 I heard and that was enough for me to say it was
14 like, man, they're in there for a while. I	14 inappropriate.
15 better go check up on what's going on because I	15 Q. Before you went to check on what was
16 was concerned for my partner based on the	16 going on in that meeting, you couldn't hear
17 incidents and conversations and stuff. So the	17 anything being said, correct?
18 door was open.	18 A. No. Correct.
19 Q. Okay.	19 Q. Okay. Paragraphs 80 and following
20 A. So I stood there for a minute and I can	20 refer to a meeting on or about June 20, 2012
21 hear Barnes saying, you know, referencing	21 with you, Officer Spalding, Commander Salemme,
22 Shannon -- having to tell Shannon's daughter	22 Lieutenant Cesario and Sergeant Barnes.
23 that she will be coming home in a box and things	23 A. Yes.
24 to that effect.	24 Q. Do you recall that meeting?
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1 And then I said, well, that's enough, I	1 A. Yes, I do.
2 heard enough. So then I went back and I said,	2 Q. Do you recall how you were told about
3 hey, Kev, you know -- meaning Kevin Williams. I	3 that meeting was going to take place?
4 said, you know, come over here with me. He	4 A. Via phone call.
5 said, hey, what's going on. We walked into --	5 Q. A phone call from who?
6 then I went ahead and I interrupted the meeting.	6 A. Sergeant Barnes.
7 Q. Okay.	7 Q. And what did he tell you?
8 A. And I said, hey, Sarge, is there	8 A. He said, come meet -- he gave us a
9 something you want to talk to me about, as well?	9 time, I don't know what time it was. It was
10 He said, no, you played with her all day -- you	10 whatever time.
11 know, you play with her all day, let me play	11 Q. Sure.
12 with her for a little bit. Let me talk to her.	12 A. Why don't you meet me at Homan Square.
13 She's a big girl.	13 Q. Okay. And was that basically the gist
14 Q. Okay.	14 of that conversation?
15 A. You know, I'll give her back, you could	15 A. No. Yeah, that conversation. Yes.
16 play with her afterwards.	16 Q. All right. So you -- do you have any
17 Q. Okay.	17 conversation with anybody else about that
18 A. Things to that effect.	18 meeting before you attend the meeting?
19 Q. And Kevin Williams was present at that	19 A. No.
20 point, too?	20 Q. Okay.
21 A. I believe so. Because he walked up	21 A. Just, you know, Shannon reiterated to
22 there with me. I don't know if he entered the	22 me or I reiterated to Shannon we have to go up
23 room behind me or if he stood outside the	23 there and meet Barnes.
24 doorway, as well.	24 Q. Okay. And what do you recall being

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1 said by all of the participants in that 2 meeting? 3 A. At that point, we had a closed-door 4 meeting. 5 Q. Okay. To the best you can recall from 6 the start of the meeting until the end of the 7 meeting, what do you recall being said? 8 A. Do you want to know who was present 9 there first? 10 Q. Sure. 11 A. It was Commander Salemme. 12 Q. Yes. 13 A. Lieutenant Cesario, Sergeant Barnes, my 14 partner Shannon Spalding and myself. 15 Q. Okay. And what do you recall being 16 said or saying yourself in that meeting? 17 A. At first we were presented with some 18 activity, some numbers for activity and we were 19 questioned, what do you think of this activity. 20 Q. And did Lieutenant Cesario present you 21 with that? 22 A. Yes. 23 Q. And by activity, it meant your -- 24 A. Arrest.	1 Q. Sure, sure. 2 But you didn't have a sense that those 3 numbers were incorrect, you were just concerned 4 about -- 5 A. I don't know what I had a sense of the 6 number, because there was nothing to compare it 7 to. You know, maybe we were leading the team, I 8 don't know. 9 Q. Right. But when you looked at the 10 arrest activity, you didn't think that it was 11 incorrect, you just didn't -- you wanted to know 12 who it was being compared to, right? 13 A. Correct. 14 Q. Okay. 15 A. I mean, if you're going to talk about 16 activity, tell me what you're comparing it to. 17 Q. Okay. And what happened next in the 18 meeting? 19 A. The meeting went south after that. 20 Q. Okay. 21 A. He said, well, you know, he goes -- he 22 asked us about our involvement with IAD. 23 Q. Okay. 24 A. That's how I guess he started it. He
Page 170	Page 172
1 Q. -- arrest activity, correct? 2 A. Yes. 3 Q. And did he have a document with him? 4 A. Yeah. He provided like a printout with 5 Shannon's name on it, my name on it. He asked, 6 what did I think of that, of that activity. And 7 I asked him, what are you comparing -- who are 8 you comparing it to. I mean, it's just me and 9 her name. I mean, are you comparing it to 10 Robert Walker, are you comparing it to other 11 people in the unit? What are you comparing it 12 to? He said, what difference does it make, I'm 13 presenting it to you. And then I -- 14 Q. Okay. Do you recall whether you 15 actually looked at the activity? 16 A. Yeah, I looked at it. Because I was -- 17 I can't tell you what the numbers were on it, 18 but it was just Shannon and my name. What are 19 you comparing it to? What other officer are you 20 comparing it to? 21 Q. Right. 22 A. Our numbers are going to reflect 23 basically the same because we both work 24 together.	1 said -- he said, why don't you tell me about IAD 2 and your involvement with it. 3 Q. And that was Lieutenant Cesario? 4 A. Yeah. 5 Q. Okay. 6 A. And then Commander Salemme pretty much 7 echoed it, as well. Yeah, why don't you tell us 8 about that. 9 Q. Okay. And did you or Officer Spalding 10 respond? 11 A. I responded and I said, well, what 12 about it. He said, have you ever been assigned 13 to IAD. 14 Q. Okay. And, again, this is Lieutenant 15 Cesario? 16 A. Lieutenant Cesario. 17 Q. Okay. And what was said after that? 18 A. And then I said, no, we've never been 19 assigned to IAD. 20 Q. Okay. 21 A. Which is true. 22 Q. What do you recall else being said? 23 A. Then he said -- he said, well -- and 24 along with Barnes, you know, they all had

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<p style="text-align: right;">Page 173</p> <p>1 something to say. He said, you know, he goes, 2 are you sure about that? He goes, because this 3 is what happens when you work against other 4 officers.</p> <p>5 Q. Lieutenant Cesario said that?</p> <p>6 A. Yes, followed by Barnes, followed by 7 Salemme.</p> <p>8 Q. Okay.</p> <p>9 A. They all had something to say.</p> <p>10 Q. Okay. Lieutenant Cesario said, this is 11 what happens when what?</p> <p>12 A. You work against other officers.</p> <p>13 Q. Okay. And is it your testimony that 14 Barnes and Salemme said the exact same thing?</p> <p>15 A. Yeah, they would echo.</p> <p>16 Q. So your testimony is they said the 17 exact same thing that Lieutenant Cesario said?</p> <p>18 A. Yes. They would echo. They all had 19 something to say.</p> <p>20 Q. Okay.</p> <p>21 A. Then I said, well, what are you talking 22 about? He goes, you know, you brought this 23 baggage with you.</p> <p>24 Q. Again, this is Lieutenant Cesario?</p>	<p>1 each other's statements up.</p> <p>2 Q. Okay.</p> <p>3 A. He said, maybe he can help you better 4 manage your baggage since he came from IAD 5 himself.</p> <p>6 Q. Referring to Sergeant Mills?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. And you're lucky you're still in this 10 unit for now.</p> <p>11 Q. Lieutenant Cesario said this?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you recall anything else 14 being said in that meeting?</p> <p>15 A. Basically that was it. That was the 16 summary of it.</p> <p>17 Q. Okay. I'll take a summary, if that's 18 the most you've got.</p> <p>19 A. I mean, it's so many --</p> <p>20 Q. Do you recall anything else --</p> <p>21 A. There's so many --</p> <p>22 Q. -- specifically being said?</p> <p>23 A. I mean, there's so many things that's 24 happened from point A to that point --</p>
<p style="text-align: right;">Page 174</p> <p>1 A. Yes. You brought this baggage with 2 you. He said, you will never be deputized.</p> <p>3 Q. Okay.</p> <p>4 A. You will never have a take-home car, 5 you will never work days, with his finger, as 6 long as I'm in command here.</p> <p>7 Q. Okay.</p> <p>8 A. And I said, well, why is that? He 9 goes, like I said, you brought this baggage with 10 you. This is what happens when you work against 11 other officers.</p> <p>12 Q. Okay. Do you remember anything else 13 said in that meeting?</p> <p>14 A. We got removed. Basically we got 15 removed from the day team.</p> <p>16 Q. They told you you were going to a night 17 team?</p> <p>18 A. Yes.</p> <p>19 Q. Did they tell you with Sergeant Mills?</p> <p>20 A. Yes, with Sergeant Mills. And then --</p> <p>21 you know, it's hard to say who said what.</p> <p>22 Q. Sure.</p> <p>23 A. But I know Cesario said a lot, Salemme 24 said a lot, as well. I mean, they all backed</p>	<p>1 Q. I understand.</p> <p>2 A. -- and so many comments. You know, it 3 was a stressful --</p> <p>4 Q. I understand. I'm just asking if you 5 specifically recall anything else being said at 6 the meeting.</p> <p>7 A. If I can recall something else, I'll 8 let you know. But that's the best of my 9 knowledge, what I can recall at this time.</p> <p>10 Q. Okay. Do you recall in that meeting 11 some discussion about the subject that Officer 12 Spalding's boyfriend, Anthony Hernandez, had 13 confronted Sergeant Barnes?</p> <p>14 A. I don't remember if that was touched 15 when I was there or if it was touched lightly.</p> <p>16 Q. Okay.</p> <p>17 A. But then again, you know, I had no part 18 of that.</p> <p>19 Q. Okay.</p> <p>20 A. And if that's what happened, I think 21 Barnes should address that with Officer 22 Hernandez.</p> <p>23 Q. All right. I'm just asking you if you 24 recall that being discussed in the meeting.</p>

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<p style="text-align: right;">Page 177</p> <p>1 A. It may have, to the best of my 2 knowledge. I can't tell you with a fine-toothed 3 comb the details of that, either.</p> <p>4 Q. Okay. Let's put the --</p> <p>5 A. At the time being.</p> <p>6 Q. Let's put the details aside for the 7 moment.</p> <p>8 A. All right, sure.</p> <p>9 Q. In the meeting, do you remember the 10 subject of Spalding's boyfriend, Anthony 11 Hernandez, having had a confrontation or a 12 conversation with Sergeant Barnes?</p> <p>13 A. I think it may have been touched, yes.</p> <p>14 Q. Okay. Was there a part of the meeting 15 where only Officer Spalding was present and you 16 weren't present or were the both of you present 17 for the entire meeting?</p> <p>18 A. We were both present for most of it, 19 but then, you know, there was times where -- 20 there was a time where I think Shannon Spalding 21 may have spoken to Barnes in reference to that.</p> <p>22 Q. Inside the same meeting?</p> <p>23 A. I can't recall.</p> <p>24 Q. Okay. What do you recall being</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. And they needed officers to fill that 2 shift, correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay.</p> <p>5 A. People applied for it.</p> <p>6 Q. And people applied for it?</p> <p>7 A. Yeah.</p> <p>8 Q. And at that time when you were moved to 9 the third watch, you and Officer Spalding had 10 not been in Fugitive Apprehension that long, 11 correct?</p> <p>12 A. We were there since March, I want to 13 say.</p> <p>14 Q. Okay.</p> <p>15 A. And that took in effect, I don't know, 16 June. I can't tell you.</p> <p>17 Q. So you were there two, three months, 18 approximately?</p> <p>19 A. It could be more, it could be less.</p> <p>20 Q. Okay.</p> <p>21 A. I can't tell you exactly.</p> <p>22 Q. Okay. And are you aware of any other 23 officers that were moved from the second watch 24 to the third watch?</p>
<p style="text-align: right;">Page 178</p> <p>1 referenced in the meeting about the 2 confrontation between Anthony Hernandez and 3 Barnes?</p> <p>4 A. It didn't sound like a confrontation to 5 me, but I can't tell you with exact.</p> <p>6 Q. Okay. You don't recall what that 7 discussion was?</p> <p>8 A. Not at this time. Maybe later I might 9 remember, but not at this time.</p> <p>10 Q. Okay. Do you have a recollection that 11 that was at least part of the reason that you 12 were being told you were taken off of Barnes' 13 team?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. That we were simply moved because of 17 the IAD thing.</p> <p>18 Q. Okay.</p> <p>19 A. To better handle our -- manage our 20 baggage, as they stated.</p> <p>21 Q. And when you were moved to nights, 22 Fugitive Apprehension was actually starting a 23 new night shift, correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Not to the best of my knowledge, no, 2 I'm not.</p> <p>3 Q. There may have been, but you don't 4 know?</p> <p>5 A. Correct.</p> <p>6 Q. And the third watch was a North Side 7 team, correct?</p> <p>8 A. I wouldn't call it a North Side, I'd 9 call it an Area North team.</p> <p>10 Q. Okay, thank you. Area North.</p> <p>11 A. Because Area North doesn't just deal 12 with the North Side, it has some South Side in 13 it.</p> <p>14 Q. Okay.</p> <p>15 A. So I wouldn't say just North Side.</p> <p>16 Q. So what areas would you work under 17 Sergeant Mills in terms of Area North? What 18 would that encompass?</p> <p>19 A. It would encompass some South Side 20 districts and addresses.</p> <p>21 Q. Okay.</p> <p>22 A. As well as some West Side addresses. I 23 don't think I ever went far north into any 24 decent neighborhood.</p>

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1 Q. Okay.	1 essentially the same job, correct?
2 A. It's pretty much still the West Side.	2 A. Yes and no.
3 Pretty active districts.	3 Q. Okay. The yes part I get. How is it
4 Q. Okay. But you -- it's fair to say you	4 not essentially the same job other than those
5 did some work on the North Side, also?	5 things?
6 A. What do you consider North Side? North	6 A. The same job about it as far as locking
7 of Madison? Sure, we did some stuff north of	7 people up. It's all about locking people up in
8 Madison.	8 Fugitive Apprehension. The crimes were
9 Q. Okay.	9 different.
10 A. We didn't do nothing like in Evanston	10 Q. Okay.
11 or 24th District.	11 A. You would get better cases, better like
12 Q. Okay.	12 cases working that task force team, Barnes' team
13 A. Nothing desirable. I mean, people say	13 as opposed to Mills' team, turnstile jumping,
14 North Side, oh, you're going to the glamorous	14 dead-end cases, people that were deceased
15 North Side. Nothing -- anything south of --	15 assigned to you. You know, I mean, ridiculous.
16 north of Madison is rough.	16 Q. Okay. You felt like you got better
17 Q. So prior to the move to Sergeant Mills'	17 cases under Barnes than Mills?
18 team, on Sergeant Barnes' team, you were working	18 A. Absolutely.
19 South and West Side, correct?	19 Q. Okay. Would you say you got safer
20 A. South? Not so much southwest, but	20 cases under Mills than Barnes?
21 southeast.	21 A. No.
22 Q. Okay.	22 Q. Okay.
23 A. But then again, anything West of State	23 A. The area that you got is still violent.
24 would be West.	24 Q. Okay. So the turn --
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1 Q. Sure, sure.	1 A. Hostile.
2 A. However you want to interpret it.	2 Q. So the turnstile jumpers and the like
3 Q. Sure. Is it your point that you were	3 were just as violent as the fugitives you were
4 working largely in the same areas when you were	4 apprehending?
5 under Barnes and Mills?	5 A. No. The area is just as violent.
6 A. What do you mean, Barnes and Mills?	6 Q. Okay. Any other way that the jobs were
7 Q. Yes.	7 different, other than what you've already
8 A. Different areas.	8 testified to?
9 Q. Okay.	9 A. I can't tell you.
10 A. They didn't overlap.	10 Q. Is that a no?
11 Q. Okay.	11 A. It's subject to interpretation. I
12 A. At least I didn't get any overlap in	12 mean --
13 addresses.	13 Q. Okay.
14 Q. Okay. Other than the fact that when	14 A. It's all violent. Everybody in the
15 you were working for Sergeant Mills, you were	15 street can be violent.
16 working a different area than you were working	16 Q. Sure. I agree with you there.
17 with Barnes --	17 A. I mean, they've got sons of policemen
18 A. That's fair.	18 killing people.
19 Q. -- and you had different hours?	19 Q. Do you have an understanding or have
20 A. That's fair to say.	20 you had an understanding at any point since
21 Q. And you had different days off. Did	21 you've been in Fugitive Apprehension what the
22 you have different days off?	22 process was to get deputized for a U.S. Marshal
23 A. That's fair to say, as well.	23 task force?
24 Q. Okay. Other than those things, it was	24 A. Different versions of it.

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1 Q. Okay.	1 Q. And was that just the Area North team
2 A. But no exact version of it.	2 reported there or everyone reported there?
3 Q. Okay. So you've heard from people	3 A. Area North reports there.
4 different versions of it?	4 Q. Okay.
5 A. Yes.	5 A. From time to time you see some
6 Q. Okay.	6 personnel that do come in there from other
7 A. Some people say it's the sergeant that	7 areas.
8 has to put you in, some people say it doesn't	8 Q. Okay. And would you have to report
9 work like that, some people say based on	9 there at the beginning of your shift and at the
10 seniority, some people say it's based on time in	10 end or how did that work --
11 the unit. I mean, different versions of it.	11 A. Yeah, yes.
12 Q. Okay.	12 Q. -- when you were working for Sergeant
13 A. But no one has presented me a black and	13 Mills?
14 white and said, this is the way it works, this	14 A. Yeah, we'd start there.
15 is protocol.	15 Q. Okay. And that was true for everybody
16 Q. Okay. Has anyone at the sergeant level	16 that was on Sergeant Mills' team, correct?
17 or above ever explained to you what the process	17 A. No.
18 or procedure is for getting deputized?	18 Q. Okay. Who was it true for and who was
19 A. It depends on who you ask.	19 it not true for?
20 Q. I'm asking you about whether any	20 A. It was true for me and Shannon and it's
21 lieutenant or higher ranking -- I'm sorry, a	21 not true for some people who get dismissed from
22 sergeant or a higher ranking officer has told	22 the field.
23 you, Officer Echeverria, what the process is for	23 Q. Okay.
24 getting deputized for a U.S. Marshal status.	24 A. Except for me and Shannon. We would
Page 186	Page 188
1 A. Nobody has told me the process of it,	1 have to arrive at the area and dismissed at the
2 they told me I wouldn't get it, ever. I'll tell	2 area.
3 you that for sure. But to answer your question	3 Q. Okay. So you're saying that at certain
4 for sure, I can't tell you.	4 times, certain individuals under Sergeant Mills
5 Q. Okay.	5 would be dismissed from field and you and
6 A. Me or my partner would ever -- never	6 Shannon Spalding were never dismissed from the
7 get it.	7 field. Is that your testimony?
8 Q. Okay. I've got that one.	8 A. Yes.
9 A. Okay.	9 Q. Aside from those times when individuals
10 Q. When you were on Sergeant Mills'	10 were dismissed from the field, was it generally
11 team --	11 the case where everyone on Sergeant Mills' team
12 A. Yes.	12 was -- had to come back to the unit to be
13 Q. -- the Area North, where did you	13 dismissed?
14 report?	14 A. Yes.
15 A. At that point the Fugitive Apprehension	15 Q. Okay. Do you have any recollection of
16 unit moved out of Homan Square so they were no	16 who ever got dismissed from the field?
17 longer at Fillmore. They were at 3151 Harrison.	17 A. Yeah.
18 Q. Okay.	18 Q. What officers were dismissed from the
19 A. Up in the old -- they had converted the	19 field?
20 Detective Division there to encompass Fugitive,	20 A. Other team members on Sergeant Mills'
21 Financial Crime, Bomb and Arson.	21 team, some people from VRI when we worked --
22 Q. Okay.	22 when we were allowed to work VRI, they got
23 A. So they used that whole second floor,	23 dismissed from the South Side.
24 pretty much.	24 Q. Okay.

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<p style="text-align: right;">Page 189</p> <p>1 A. But we had to come in to be dismissed.  2 Q. Did you ever have a conversation with  3 Sergeant Mills about that subject, why you had  4 to come in rather than being dismissed from the  5 field?  6 A. Yeah.  7 Q. And what do you recall about that  8 conversation?  9 A. He'd spin you.  10 Q. What do you recall him saying in that  11 conversation?  12 A. He's the sergeant.  13 Q. He'd say, I'm the sergeant?  14 A. He really wouldn't answer you directly.  15 Q. Okay. Do you recall your first  16 meeting, you and Officer Spalding, with Sergeant  17 Mills when you were assigned to his unit?  18 A. We had a few meetings with Sergeant  19 Mills.  20 Q. Do you remember the first time meeting  21 him?  22 A. Yes.  23 Q. Okay. And do you recall a conversation  24 with him and Officer Spalding present?</p>	<p style="text-align: right;">Page 191</p> <p>1 to speak with Mills. He said, talk to him  2 before they brainwash him. We'll see where his  3 loyalty is. I made him sergeant.  4 Q. Okay.  5 A. We were in the Marine Corps together.  6 Q. Okay.  7 A. So he made me believe that they knew  8 each other from before the job.  9 Q. Okay. And I believe your partner,  10 Officer Spalding, testified the other day that  11 any alleged retaliation by Sergeant Mills didn't  12 start until after the two of you filed your  13 lawsuit; is that correct?  14 A. That's correct.  15 Q. Okay.  16 A. That's also when the dismissal thing  17 changed, too.  18 Q. Okay.  19 A. You know, the having to come in the  20 unit and other people didn't have to come in the  21 unit.  22 Q. Okay, all right. Let's talk about  23 that.  24 A. All right.</p>
<p style="text-align: right;">Page 190</p> <p>1 A. Yes.  2 Q. What do you recall about that  3 conversation?  4 A. One of the meetings is we had talked to  5 him about what we did, where we came from in  6 reference to Brass Tax.  7 Q. Sure.  8 A. We had expressed -- we had told him  9 what -- the meeting we had with Sergeant Barnes,  10 Salemme, Cesario; we told him we were being  11 moved, why we were moved or how we ended up on  12 this team. He said, good to know. He said,  13 he's going to be observing. And then we had  14 other meetings where he acknowledged the  15 differential treatment, stuff like that.  16 Q. All right. In that first meeting with  17 Sergeant Mills, did he indicate that he had  18 previously been in IAD?  19 A. Yes.  20 Q. Okay. Did he tell you that he had  21 previously worked for --  22 A. Juan Rivera.  23 Q. -- Chief Rivera?  24 A. Yeah. Juan Rivera also instructed us</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Other than the fact that the two of  2 you, you say, were never dismissed from the  3 field, what other retaliation did --  4 A. After the lawsuit?  5 Q. -- Sergeant Mills engage in after the  6 lawsuit was filed?  7 A. After the lawsuit?  8 Well, there was differential treatment  9 at that moment on and I can understand why. I  10 mean, they were friends. They all were friends.  11 I mean, they all had worked together for a long  12 time. Mills had expressed that himself.  13 Q. Okay.  14 A. He had worked for Salemme in the past,  15 that's why he's there now.  16 Q. Okay.  17 A. He has worked with Cesario, as well.  18 Q. Sure.  19 A. He elaborated about Juan Rivera in the  20 Marine Corps. and things of that effect.  21 Q. Okay. Other than the issue of being  22 not dismissed from the field, is there anything  23 else that Sergeant Mills said or did that you  24 are alleging was retaliation for --</p>

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1 A. Yeah. He would say something along the  
 2 lines of -- well, I can remember one meeting, to  
 3 be specific, one of many incidents. There was  
 4 an incident where he kept us past quitting time  
 5 like an hour, hour and a half and all he did was  
 6 reference the lawsuit. How it would be like for  
 7 us if we were to lose, did you ever think about  
 8 that.

9 Q. Okay.

10 A. You know, how do you think the  
 11 department is going to, you know, handle that  
 12 and the people you work with, how do you think  
 13 that's going to go for you. It was comments  
 14 like that.

15 Q. Okay.

16 A. There was a comment about --

17 Q. Let me just ask you.

18 A. Okay.

19 Q. Was there a reason he was keeping you  
 20 past quitting time? I understand you're saying  
 21 what he said, but was there some work related  
 22 reason that he was keeping you?

23 A. You know, it depends. I think he kept  
 24 me just to keep us. I mean, he talked a lot of

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1 pounding into us. And I had told him, well,  
 2 other officers do it. And I was specific. I  
 3 said, Joseph Lopez does it.

4 Q. Okay.

5 A. And that infuriated him. He said, how  
 6 dare you bring Joseph Lopez into this. I said,  
 7 how can I? I mean, he does it. He did it  
 8 today.

9 Q. Okay.

10 A. And I said, well, what do you want me  
 11 to do? This is a warrant arrest. You let her  
 12 fucking go, that's what you do. If it's not on  
 13 the list, you let her fucking go. So you want  
 14 me to let go, I told him, a person that has a  
 15 warrant, a court issued from a judge warrant,  
 16 let go? So disobey a court warrant?

17 Q. And what did he say?

18 A. He said, yes, that's what I'm telling  
 19 you.

20 Q. Okay. And we'll talk a little bit more  
 21 about that. That was a situation where you  
 22 arrested an individual in the 11th District?

23 A. And it was in the 11th District.

24 Q. It was not on your list, correct?

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1 nonsense.

2 Q. Do you recall any work related reason?

3 A. Yes. I'll get into it.

4 Q. Okay.

5 A. There was a question about a warrant  
 6 arrest that I had.

7 Q. Okay.

8 A. I had received a phone call and it was  
 9 a warrant arrest where I was to pick up -- the  
 10 mother was giving up the daughter, is what it  
 11 was, and she had information where the daughter  
 12 was going to be. And it was during the VRI, the  
 13 Violence Reduction Initiative. And you would  
 14 have to work off of a warrant list.

15 Q. Okay.

16 A. But there was also cases that you were  
 17 allowed to work, like if it was a case of yours,  
 18 you can work that case, as well, on the VRI.

19 Q. Okay.

20 A. And I had locked up this girl that was  
 21 not on the VRI list but was a case of mine.

22 Q. All right. This was a --

23 A. And he was upset about that and that's  
 24 what he kept pondering over about and kept on

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1 A. Correct.

2 Q. Okay.

3 A. I think that day we were supposed to  
 4 focus on some South Side areas.

5 Q. Okay.

6 (Whereupon, Echeverria  
 7 Deposition Exhibit No. 7 was  
 8 marked for identification.)

9 BY MR. KING:

10 Q. Officer Echeverria, I'm showing you a  
 11 document that's been marked as Deposition  
 12 Exhibit No. 7.

13 A. Okay.

14 Q. And I'm going to take you back to the  
 15 meeting that you previously testified to with  
 16 Cesario and others where you were told you were  
 17 moving to Mills' team.

18 Do you recall if this report was the  
 19 activity report that Lieutenant Cesario had in  
 20 that meeting?

21 A. I've never seen the front page in my  
 22 life.

23 Q. Okay. What about the second page?

24 A. The second page looks similar, but I

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<p style="text-align: right;">Page 197</p> <p>1 can't say this was what was presented to me.      2 Q. Okay.      3 A. I don't think it had the breakdown of      4 this.      5 Q. Okay.      6 A. But it looks familiar, but I can't say      7 this is what exactly he presented to me.      8 Q. Okay. Well, but it purports, anyway,      9 to be a listing of arrest activity from      10 March 22, 2012 to June 21, 2012 for you. As you      11 sit here --      12 A. Okay. Pretty much --      13 Q. -- are you able to say whether this is      14 accurate or not?      15 A. I can't tell you.      16 Q. Okay.      17 A. Because I can't tell you if this is an      18 exact document that he presented to me. I'll      19 tell you what, this document was never made      20 available to me. I'll tell you that.      21 Q. The first page of it?      22 A. Right. I'll tell you that 100.      23 Q. But the second page may have been, but      24 you're not positive?</p>	<p style="text-align: right;">Page 199</p> <p>1 this --      2 Q. Okay.      3 A. -- in my work experience.      4 Q. It indicates anyway that it's your      5 Activity Report for -- if you go from the      6 beginning to the end, it's 6/20/2012 through      7 4/30/2013.      8 A. Yes.      9 Q. As you sit here now, are you able to      10 say whether this is an accurate reflection of      11 your activity?      12 A. It could be.      13 Q. Okay.      14 A. But then again, we don't write traffic      15 citations, driver cards. We don't do any of      16 that in Fugitives.      17 Q. Okay.      18 A. We strictly do arrests, or assist      19 arrests. We don't do case reports, we don't do      20 search warrants. That's why the zeros are      21 there.      22 Q. That's why the zeros are there?      23 A. Yeah. That's not a Fugitive thing.      24 Q. As far as you know, you don't have any</p>
<p style="text-align: right;">Page 198</p> <p>1 A. I can't say that with certainty.      2 Q. Okay.      3 A. It doesn't look --      4 Q. Okay. Whether this document, Page 1 or      5 Page 2, whether or not that was presented to you      6 in the meeting, as you sit here now, can you say      7 whether this arrest activity between March 22,      8 2012 and June 21, 2012 is accurate or not?      9 A. I can't say.      10 Q. Okay.      11 (Whereupon, Echeverria      12 Deposition Exhibit No. 8 was      13 marked for identification.)      14 BY MR. KING:      15 Q. Officer Echeverria, I'm showing you      16 another document that's been marked Deposition      17 Exhibit No. 8, which -- let me know if you've      18 ever seen this Activity Report or Activity      19 Reports like this.      20 A. Do you want me to just look at the      21 front page or do you want me to look at the      22 whole thing?      23 Q. You can look at the whole thing.      24 A. Okay. I may have seen something like</p>	<p style="text-align: right;">Page 200</p> <p>1 reason to say that this is inaccurate?      2 A. Unless it's been altered, no.      3 Q. Okay.      4 (Whereupon, Echeverria      5 Deposition Exhibit No. 9 was      6 marked for identification.)      7 BY MR. KING:      8 Q. Officer Echeverria, I'm showing you      9 another document that indicates, anyway, it's      10 your Arrest Listing for the calendar year of      11 2013. Do you think you've seen this document      12 before?      13 A. I haven't seen this, but I have seen a      14 format similar to this.      15 Q. Okay. As you sit here now --      16 A. I haven't seen a graph like this ever      17 printed before.      18 Q. Okay.      19 A. I haven't seen this type of spreadsheet      20 printed before like this. I've seen something      21 along these lines but.      22 Q. As you sit here now, do you have any      23 reason to believe this doesn't accurately      24 reflect your arrest activity in 2013?</p>

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1 A. It could or could not be. Because I 2 don't know if they're taking an incorporation of 3 my leave of absence, as well, my medical role. 4 So if they're incorporating that time where I 5 was gone for like seven, eight months, 6 thereabouts, then it would be inaccurate because 7 the dates. 8 Q. I see. 9 A. Do you see what I'm saying? Because 10 then the activity would be rendered. 11 Q. So it could accurately reflect your 12 actual arrest activity in 2013, but obviously 13 you wouldn't have any activity when you're out 14 on medical leave? 15 A. That's correct. And that would be the 16 same for this. 17 Q. Exhibit -- 18 A. 8. 19 Q. -- 8? 20 A. Correct. 21 Q. Sure. Thanks. 22 (Whereupon, Echeverria 23 Deposition Exhibit No. 10 was 24 marked for identification.)	1 Q. Okay. 2 A. So I don't know when this was created. 3 Q. Okay. And you believe Portfolio 4 Reports like this would show up in your 5 portfolio and you could view them? 6 A. Yes. 7 Q. Okay. 8 A. And I would question Page 2 of this, as 9 well. 10 Q. Okay. 11 A. The involved failed to make any arrests 12 for the last -- for March 19th through 23rd. 13 Does that incorporate my days off or it doesn't 14 and who are you comparing it to? Are you 15 comparing it to Joe Lopez, other team members? 16 Did they get this too in their Portfolio? 17 Because not everybody makes arrests every day. 18 Q. I understand that. 19 A. It's just not like that. It's the luck 20 of the draw. 21 Q. Let me ask you some questions about 22 these. 23 A. Sure. 24 Q. The first page of Exhibit 10 is the
Page 202	Page 204
1 BY MR. KING: 2 Q. Officer Echeverria, I'm showing you -- 3 A. Yes. 4 Q. -- another document that's been 5 marked -- 6 A. Make room for this. 7 Q. -- Deposition Exhibit No. 10 and ask 8 you to take a look at that. It's a few pages of 9 what's called Portfolio Reports. Just let me 10 know if you've ever seen any or all of these 11 pages. 12 A. You know what, this is the first time 13 I'm seeing this. Because when I went to work, I 14 checked my portfolio and I didn't see any of 15 these comments in there. So I don't know when 16 these were generated. 17 Q. Okay. And what does that mean? How do 18 you check your portfolio? 19 A. You log into the Clear system, you can 20 check your portfolio. 21 Q. Okay. 22 A. So I've never seen this in my portfolio 23 until today. The last time I checked was maybe 24 sometime last week.	1 incident you previously testified to where you 2 made an arrest in the 11th District when you 3 were assigned to other districts, correct? 4 A. Yeah, that's probably it. 5 Q. Okay. The second page you were just 6 talking about, it indicates that you failed to 7 make any arrests between March 19 and March 23. 8 As you sit here, you don't know whether that's 9 correct or incorrect? 10 A. Correct. 11 Q. Okay. And then the third page 12 indicates that you had lower arrest numbers for 13 the time period January 1 through February 1. 14 You worked 15 days and only had 2 arrests. As 15 you sit here, do you know whether that's true or 16 not? 17 A. I don't know if that's true. 18 Q. Okay. 19 A. I'd like to comment on this, though. I 20 find this very interesting. I remember a 21 conversation with Mills, and I believe Shannon 22 Spalding, my partner, was present where he 23 expressed concern about the two detectives 24 assigned to the unit on the team that hadn't

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<p style="text-align: right;">Page 205</p> <p>1 made an arrest from day one. And we had already    2 been in the unit for quite sometime. So I'd    3 like to know if they have that in their    4 Portfolio.</p> <p>5 Q. Okay. And who were those individuals?    6 A. It was Detective Zanos (phonetic) and    7 Detective Becker. I'd like to know what their    8 Portfolio looked like since Mills told us they    9 hadn't made an arrest and he was concerned about    10 that, being detectives and all.</p> <p>11 Q. Okay. Were they, Zanos and Becker, on    12 your team?</p> <p>13 A. Yeah. They reported directly for    14 Mills. So I'd like to see that. That would be    15 interesting to see.</p> <p>16 Q. The next page of Exhibit 10.</p> <p>17 A. Oh, we're not done. I'm sorry. What    18 page are we talking about now?</p> <p>19 Q. This would be the last page of the    20 exhibit. It's a report dated March 20, 2013.</p> <p>21 A. Okay.</p> <p>22 Q. It indicates that Mills spoke with you    23 on the 19th of March about spending excessive    24 time in the unit. It indicates that Sergeant</p>	<p style="text-align: right;">Page 207</p> <p>1 A. I can't recall that. I can't recall    2 specific dates like that.</p> <p>3 Q. Okay. So that may be true, you don't    4 know?</p> <p>5 A. I don't know. I know he used to tell    6 us, make sure you work these cases up. So if we    7 did stay in the unit, it was because we were    8 working these cases. It wasn't like we were    9 playing poker. There is some administrative    10 stuff you need to do before you lock somebody    11 up. You can't just shoot in the dark.</p> <p>12 Q. That makes sense.</p> <p>13 A. Again, I checked my Portfolio last week    14 and I didn't see that, so I'd like to know when    15 that was generated since I -- I didn't see it.</p> <p>16 I'd like to know if Becker and Zanos    17 were told the same thing or what their portfolio    18 reflects, since they hadn't locked anybody up,    19 according to Mills. And I can vouch for that.</p> <p>20 Q. I know counsel doesn't like me to say    21 this, but I move to strike the last statements    22 as not only being nonresponsive to the question,    23 there was no question.</p> <p>24 A. All right.</p>
<p style="text-align: right;">Page 206</p> <p>1 Mills explained that more time should be spent    2 out in the field on assigned cases.</p> <p>3 Do you remember that conversation with    4 Sergeant Mills?</p> <p>5 A. Vaguely.</p> <p>6 Q. Okay. But you at least vaguely recall    7 at least one conversation where he was    8 suggesting that you and Officer Spalding were    9 spending too much time in the office and should    10 spend more time out in the field; is that fair?</p> <p>11 A. No, because I disagree with him.</p> <p>12 Q. Okay. But you recall him raising the    13 issue, whether you agree with him or not?</p> <p>14 A. Vaguely.</p> <p>15 Q. Okay. And --</p> <p>16 A. I'd like to --</p> <p>17 Q. He indicates again on the last page --</p> <p>18 A. Okay. We're not done yet? I'm sorry.</p> <p>19 Q. -- on the date in question, that you    20 and your partner, Officer Spalding, didn't leave    21 I guess the headquarters until 1820 and then you    22 returned back at 2130.</p> <p>23 A. Was that 10:30? Yeah, that's 10:30.</p> <p>24 Q. Do you recall that that day?</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Other than what you've already    2 testified to, is there anything else that you're    3 alleging that Sergeant Mills did that was    4 retaliation against you and Officer Spalding?</p> <p>5 A. Sure.</p> <p>6 Q. What else?</p> <p>7 A. What else do you want to know?</p> <p>8 Q. What else? What else have you got on    9 Mills?</p> <p>10 A. Get your pen ready. Mills had a    11 conversation up in the parking lot where he    12 addressed Officer Spalding saying that she    13 should wear her vest to and from work. Because    14 if O'Grady can have a pop at her, he would.</p> <p>15 Q. And you were present for this    16 conversation?</p> <p>17 A. Yes, I was.</p> <p>18 Q. Okay. And where did this conversation    19 take place?</p> <p>20 A. At the 11th District parking lot. I    21 mean, shit, that's -- that's a strong statement.</p> <p>22 Q. That's a very strong statement. And    23 it's a very serious topic.</p> <p>24 A. Yes, it is.</p>

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<p style="text-align: right;">Page 209</p> <p>1 Q. But was Sergeant Mills joking when he 2 said that?</p> <p>3 A. I don't think that's a joking matter. 4 I wouldn't joke about somebody's life like that.</p> <p>5 Q. I agree, I agree. So it's your 6 testimony that he said that and he was serious 7 about it?</p> <p>8 A. Yes, he was.</p> <p>9 Q. Okay.</p> <p>10 A. He should take action on that. He 11 should address that, he didn't, to the best of 12 my knowledge.</p> <p>13 There are other statements that I was 14 present for, then again I wasn't present for. 15 There's a statement where he had mentioned to my 16 partner that my partner reiterated to me. And I 17 was present for part of it --</p> <p>18 Q. Sure.</p> <p>19 A. -- but there's some that I wasn't 20 present for, where Sergeant Mills said -- well, 21 I was present for this one. He said, I don't 22 know why you two are still in this unit. It may 23 have been in that meeting.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 211</p> <p>1 A. Another one where I wasn't present but 2 he did tell Shannon, I believe Shannon, because 3 Shannon told me. And he said that along the 4 lines of if either one of us got in a shooting, 5 how do you think it would go for you when you 6 work for the lieutenant who hates you fucking 7 guys. How would that go for you? How do you 8 think that shooting would go for you?</p> <p>9 Q. Okay.</p> <p>10 A. I think that's kind of threatening.</p> <p>11 Q. Okay.</p> <p>12 A. I think that's inappropriate. I mean, 13 you count on management to do their job and it 14 hasn't been done.</p> <p>15 Q. Anything else that Officer Mills said 16 or did that you consider retaliation?</p> <p>17 A. I mean, there's a lot. But at the top 18 of my head, that would be it. If it comes to 19 me, I'll let you know.</p> <p>20 Q. Okay.</p> <p>21 A. But for the time being, that's what I 22 recall, the standout points.</p> <p>23 Q. That's fair enough.</p> <p>24 Do you recall an incident where you --</p>
<p style="text-align: right;">Page 210</p> <p>1 A. Where he kept us over and we didn't get 2 paid for it and gave the City a good two hours 3 and hour and a half hours of my time when 4 everybody else went home. Where Mills said, I 5 don't know why you two are still in this unit.</p> <p>6 Q. Okay.</p> <p>7 A. They don't want you up here. I don't 8 know why you're still up here, and he touched 9 the lawsuit again.</p> <p>10 Q. Okay.</p> <p>11 A. That, I was present. That happened at 12 that meeting.</p> <p>13 Q. That was the meeting that you testified 14 to earlier --</p> <p>15 A. Yes.</p> <p>16 Q. -- where you were sort of held over 17 after regular hours?</p> <p>18 A. Yes. Not sort of, definitely held 19 over. There's no sort of about it.</p> <p>20 Q. Okay.</p> <p>21 A. And then there's the one I was present 22 for as well was the parking lot that I testified 23 earlier.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 212</p> <p>1 or a time where you parked your vehicle in the 2 lieutenant's parking space?</p> <p>3 A. Sure, I recall that.</p> <p>4 Q. Okay. And you did that deliberately?</p> <p>5 A. No, I did not.</p> <p>6 Q. No? Why did you park in the 7 lieutenant's parking spot?</p> <p>8 A. Because there were no other parking 9 spots. I didn't think it was a crime either, 10 since the lieutenant has four parking spots.</p> <p>11 Q. Do you have a conversation with the 12 lieutenant about that --</p> <p>13 A. No.</p> <p>14 Q. -- either before or after you --</p> <p>15 A. He never addressed me.</p> <p>16 Q. Did anybody ever address you about 17 parking in the lieutenant's parking?</p> <p>18 A. Sergeant Mills said.</p> <p>19 Q. What did he say to you?</p> <p>20 A. He asked why did I park in the 21 lieutenant's spot. And I said, oh, I sure did. 22 I said, there was no other parking, we were 23 bringing in a prisoner. I had parked there and 24 we had process the prisoner and I forgot to move</p>

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Page 213	Page 215
1 the car back.	1 Officer Spalding?
2 Q. You didn't say, fuck them?	2 A. Yes, and what I observed.
3 A. No, I did not.	3 Q. Do you remember before Officer Spalding
4 Q. In reference to the lieutenant?	4 went in that room or at any point while she's in
5 A. No.	5 the room, her texting you?
6 Q. You didn't say, fuck them, maybe now	6 A. Yes, she did.
7 they'll listen? You didn't say that?	7 Q. Okay. Was it before she went in the
8 A. No, I did not.	8 room or when she was in the room?
9 Q. Okay.	9 A. When she was in the room.
10 A. That's funny you say that.	10 Q. Do you recall what she texted you?
11 Q. Are you aware of Officer Spalding ever	11 A. To call the lawyer.
12 using her phone or some other recording device	12 Q. Is that all it said?
13 to record --	13 A. I believe that was it, to call our
14 A. No.	14 lawyer.
15 Q. -- Sergeant Mills?	15 Q. Okay.
16 A. No.	16 A. The best of my knowledge.
17 Q. Okay.	17 Q. And do you know if you still have that
18 A. The first I heard of that was this	18 text?
19 whole thing, the CR number and stuff like that.	19 A. No, I don't.
20 Q. Okay. When was the first you heard	20 Q. You don't?
21 about that?	21 A. No.
22 A. During the CR number.	22 Q. Okay.
23 Q. Okay. There was a CR number on Officer	23 A. I can't say I do.
24 Spalding for allegedly --	24 Q. And did you call your lawyer?
Page 214	Page 216
1 A. The first I heard of that --	1 A. I called multiple times before somebody
2 Q. -- secretly recording Sergeant Mills?	2 called back. And I guess he called Sergeant
3 A. The first I heard of that was when Mike	3 Barz back and spoke with Sergeant Barz.
4 Barz and another person, that I can't think of	4 Q. Okay. Did you personally ever speak to
5 the name because I don't know it, it may have	5 the lawyer before the lawyer spoke to Sergeant
6 been told to me at one time, but I just can't	6 Barz?
7 remember the name --	7 A. I don't think I did.
8 Q. Sure.	8 Q. Okay.
9 A. -- pulled Shannon off the floor and	9 A. I never made contact. I remember I
10 took her to a back area by herself. Two males	10 left multiple messages, voicemail. I believe I
11 by herself with a female, I think that's against	11 did multiple texts to him, as well.
12 protocol, too.	12 Q. And who was the lawyer at the time?
13 Q. Were you present?	13 A. I can't think of his name off the top
14 A. I was present --	14 of my head. But --
15 Q. Okay.	15 Q. Is it Don Herbert?
16 A. -- when it happened. I wasn't present	16 A. Dan Herbert.
17 or privilege to the conversation.	17 Q. Dan Herbert, I'm sorry.
18 Q. Okay.	18 A. And another associate.
19 A. But that's the first I heard of it.	19 Q. Okay. And do you recall who you left
20 Q. Okay. So whatever happened in that	20 messages with?
21 room, you -- whatever you know about that --	21 A. The associate.
22 A. Came from Officer Spalding and what I	22 Q. Okay. And --
23 observed.	23 A. Or co-counsel.
24 Q. -- you learned about it later from	24 Q. Sure, sure.

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<p style="text-align: right;">Page 217</p> <p>1        When Officer Spalding was in that room 2 with Mike Barz and the other officer, did you 3 stay in the area outside that room the whole 4 time she was in there? 5        A. I stayed at a desk not far from there. 6        Q. Okay. Do you have a recollection of 7 approximately how long she was in that room? 8        A. It's pretty close to an hour. 9        Q. Okay. I guess when she emerged from 10 that room, did you have a conversation with 11 her? 12       A. It was hard to have a conversation with 13 her immediately because she was not in the right 14 frame of mind to speak. She was very upset -- 15       Q. Okay. 16       A. -- and very stressed out. She didn't 17 look herself, she didn't look normal. 18       Q. Okay. 19       A. I walked with her to her car. She 20 explained to me what had happened. 21       Q. Okay. What do you remember her telling 22 you about what had happened in that room? 23       A. That they had accused her of 24 eavesdropping, I want to say.</p>	<p style="text-align: right;">Page 219</p> <p>1        A. I wouldn't see him much other than 2 crossing and, you know. 3        Q. Sure. You're not aware of any other 4 retaliation after you were no longer on his 5 team? 6        A. No. 7        Q. Okay. 8        A. I wouldn't see him much. 9        Q. Sure. At some point you and Officer 10 Spalding applied to or submitted a To-From 11 asking to go back to second watch, correct? 12       A. Yes. 13       Q. Okay. And that was ultimately granted, 14 correct -- 15       A. Yes. 16       Q. -- you were sent back? 17       And you were sent back to the second 18 watch on -- what was the sergeant? 19       A. Stack. 20       Q. Sergeant Stack's team that you're still 21 on now, correct? 22       A. Yes. 23       Q. Okay. Since you've been assigned to 24 Sergeant Stack's team, are you claiming that</p>
<p style="text-align: right;">Page 218</p> <p>1       Q. Okay. 2       A. And the eavesdropping was with Mills. 3       Q. Okay. 4       A. And that it has all to do with the 5 lawsuit. She said that Mike Barz had mentioned 6 to her that this can all go away. And she had 7 questioned him, how can it go away. And then he 8 implied, well, drop the lawsuit and this can all 9 go away. 10      Q. Okay. She said he implied that? 11      A. Yes. 12      Q. Do you remember her telling you 13 anything else about this? 14      A. Like I said, she was very upset. She 15 was crying. Shit, it made me want to cry. 16      Q. All right. Anything else you remember 17 about her telling you about the incident? 18      A. Not at the present time. 19      Q. Okay. At some point you and -- well, 20 strike that. 21      I assume that after you were reassigned 22 from Sergeant Barnes' team to Sergeant Mills' 23 team, you're not claiming that Sergeant Barnes 24 continued some retaliation against you?</p>	<p style="text-align: right;">Page 220</p> <p>1       there's been any retaliation for your work in 2 Operation Brass Tax? 3       A. I can't say that. 4       Q. Okay. Am I correct that neither you 5 nor Officer Spalding made any written complaints 6 to anyone about alleged retaliation or 7 harassment you were suffering as a result of 8 your work on Operation Brass Tax? 9       A. To who? 10      Q. To anyone. 11      A. Yeah, we told Rivera once it started. 12      Q. My question is about written 13 complaints. Am I correct that you did not put 14 in writing any complaints to anyone about 15 alleged retaliation or harassment that you were 16 subjected to or allegedly subjected to as a 17 result of your work -- 18      A. No. 19      Q. -- on the confidential investigation? 20      A. No. 21      Q. Okay. And are you familiar with the 22 Independent Police Review Authority, IPRA? 23      A. I've heard of it. 24      Q. Okay.</p>

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<p style="text-align: right;">Page 221</p> <p>1 A. But I can't say that I'm very familiar 2 with it. 3 Q. Okay. Are you aware that they 4 investigate misconduct by police officers? 5 A. Sure. I believe IAD does some part of 6 it, IPRA does some part of it, Confidential 7 does some part of it depending on the crime, is 8 my understanding of it. 9 Q. Okay. And am I correct that you and 10 Officer Spalding never made a Complaint to the 11 Independent Police Review Authority about any 12 alleged retaliation? 13 A. No, I did not. 14 Q. As far as you know, Officer Spalding 15 did not, either? 16 A. That's correct, to the best of my 17 knowledge. 18 Q. Okay. 19 (Whereupon, Echeverria 20 Deposition Exhibit Nos. 11 and 21 12 were marked for 22 identification.) 23 BY MR. KING: 24 Q. Officer Echeverria, I'm showing you two</p>	<p style="text-align: right;">Page 223</p> <p>1 A. No, I don't. 2 Q. Okay. Well, they both deal with 3 allegations of misconduct. As you sit here, do 4 you know whether these orders would apply to 5 allegations of retaliation like you and Officer 6 Spalding were allegedly subjected to? 7 A. I'm sure. 8 Q. Would that include -- would that be 9 included in allegations of misconduct? 10 A. I'm sure somebody would have -- I'm 11 reading Exhibit No. 12. 12 Q. Yes. 13 A. And it says, ascertain if a log number 14 has been obtained. I think that's reference to 15 a CR number, that would be my best guess or 16 that's as to City -- I don't know. Well, 17 anyway, if you complain to somebody, the CR 18 number is what I understand should be taken. 19 Q. Sure. 20 A. And when we've complained, I don't 21 think a CR number was ever generated. 22 Q. Okay. And I'm only asking you if you 23 know whether the General Order and the Special 24 Order, Exhibits 11 and 12, when they refer to</p>
<p style="text-align: right;">Page 222</p> <p>1 other documents that have been marked Deposition 2 Exhibit Nos. 11 and 12. And can you take a look 3 at both of these. Exhibit 11 is a General Order 4 on Allegations of Misconduct Specific 5 Responsibilities and then Exhibit 12 is a 6 Special Order that's labeled Special Situations 7 Involving Allegations of Misconduct. 8 A. Okay. 9 Q. Do you think you've seen either of 10 these, the General Order or the Special Order 11 before? 12 A. No, I can't say I've researched it or 13 looked at it. 14 Q. Okay. 15 A. I may have once in my life, but I can't 16 really tell you. 17 Q. Okay. 18 A. Maybe during a study session when I 19 took a sergeant's exam or a detective's exam, I 20 may have briefly looked at something along these 21 lines. 22 Q. But you don't remember having any 23 particular familiarity with these two 24 ordinances?</p>	<p style="text-align: right;">Page 224</p> <p>1 allegations of misconduct, would that include 2 allegations of retaliation like -- 3 A. I'm sure it would. 4 Q. Okay. Well, let's take a look at 5 Exhibit 11, the General Order. If you look at 6 the second page -- 7 A. This one. 8 Q. -- of that exhibit. And there's a 9 subsection B. It says, Initiation, 10 Responsibilities and Procedures. Do you see 11 that? 12 A. Yes. 13 Q. Okay. In Paragraph 1 says, quote, when 14 misconduct is observed or a complaint relative 15 to misconduct is received by a non-supervisory 16 member, such member will immediately notify a 17 supervisory member and prepare a written report 18 to the commanding officer containing the 19 information received, observations made and any 20 action taken. Do you see that? 21 A. Yes. 22 Q. Okay. And am I correct that you and 23 Officer Spalding never prepared a written report 24 to any commanding officer about alleged</p>

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<p style="text-align: right;">Page 225</p> <p>1 retaliation that you suffered; is that correct?</p> <p>2 MR. SMITH: I'll object to this line of</p> <p>3 questioning that -- the initiation</p> <p>4 responsibilities.</p> <p>5 BY MR. KING:</p> <p>6 Q. Is that correct?</p> <p>7 MR. SMITH: It's not clear whether it's</p> <p>8 to a receiving member of a complaint. You can</p> <p>9 answer if you can.</p> <p>10 THE WITNESS: Can you repeat it? Did I</p> <p>11 write something on paper?</p> <p>12 BY MR. KING:</p> <p>13 Q. My question is, am I correct that</p> <p>14 neither you nor Officer Spalding, both being</p> <p>15 non-supervisory members, ever prepared a written</p> <p>16 report to any commanding officer or to anyone</p> <p>17 else about alleged retaliation that you were</p> <p>18 being subjected to?</p> <p>19 A. Correct. I didn't write nothing. I</p> <p>20 thought voicing --</p> <p>21 Q. Let's look at Exhibit 12.</p> <p>22 A. Okay. I thought voicing my opinion to</p> <p>23 Chief Rivera would suffice.</p> <p>24 Q. Let's look at Exhibit 12, which is a</p>	<p style="text-align: right;">Page 227</p> <p>1 Officer Spalding at any time submitted a</p> <p>2 To/From --</p> <p>3 A. To/From?</p> <p>4 Q. -- Subject report to either your</p> <p>5 supervisor or anyone above your supervisor or to</p> <p>6 anyone at all with respect to the alleged</p> <p>7 retaliation that you were being subjected to?</p> <p>8 A. No.</p> <p>9 Q. Is that correct?</p> <p>10 A. That's correct. I mean, what good is</p> <p>11 it to beef on Mills if you're going to beef to</p> <p>12 Cesario? Then you beef on Cesario, it goes to</p> <p>13 Salemme?</p> <p>14 Q. I move to strike the commentary, which</p> <p>15 is not responsive to any question.</p> <p>16 A. Who are you going to beef to Rivera</p> <p>17 about, the superintendent? I'm sure he'll be</p> <p>18 glad to take a To-From from you.</p> <p>19 Q. Officer Echeverria, are you aware of</p> <p>20 any particular authority that the City Council</p> <p>21 has delegated to the superintendent of police?</p> <p>22 A. Not that I know of.</p> <p>23 Q. Okay. And likewise, are you aware of</p> <p>24 any particular authority the superintendent of</p>
<p style="text-align: right;">Page 226</p> <p>1 Special Order.</p> <p>2 A. Okay.</p> <p>3 Q. And if you could turn to the page, the</p> <p>4 bottom right, it's Defendant 1338.</p> <p>5 A. What page?</p> <p>6 Q. It says 1338 at the bottom right.</p> <p>7 A. 1338. Page 5, okay.</p> <p>8 Q. And Section H is entitled Allegations</p> <p>9 of Misconduct By Another Department Member.</p> <p>10 Section 1 says, and I'll just read it. Quote,</p> <p>11 whenever an allegation of misconduct is made</p> <p>12 against another department member, the member</p> <p>13 alleging misconduct will immediately notify,</p> <p>14 prepare and submit a Two-From-Subject report of</p> <p>15 the alleged allegations to their immediate</p> <p>16 supervisor, unless the immediate supervisor is</p> <p>17 the member accused of the misconduct. If a</p> <p>18 member is accusing their immediate supervisor of</p> <p>19 misconduct, the member will submit a</p> <p>20 To-From-Subject report to the members' next</p> <p>21 level supervisor in the member's chain of</p> <p>22 command. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And am I correct that neither you nor</p>	<p style="text-align: right;">Page 228</p> <p>1 police has or has not delegated to the chiefs in</p> <p>2 the department?</p> <p>3 A. Like what?</p> <p>4 Q. My question is are you aware of what</p> <p>5 authority the superintendent has delegated to</p> <p>6 chiefs?</p> <p>7 A. The authority to run the bureaus they</p> <p>8 might be assigned to.</p> <p>9 Q. That's your understanding?</p> <p>10 A. According to the department guidelines.</p> <p>11 Q. Okay.</p> <p>12 A. That would be my understanding.</p> <p>13 Q. Okay. And your understanding is the</p> <p>14 department guidelines are made by the</p> <p>15 superintendent?</p> <p>16 A. Sure. Or at least signed off by him.</p> <p>17 Q. Okay.</p> <p>18 MR. SMITH: Objection, foundation.</p> <p>19 BY MR. KING:</p> <p>20 Q. You've made some references to the code</p> <p>21 of silence.</p> <p>22 A. Yes.</p> <p>23 Q. Can you explain what your understanding</p> <p>24 is of the code of silence?</p>

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<p style="text-align: right;">Page 229</p> <p>1 A. The code of silence, if you want to 2 call it the code of silence, the blue badge, the 3 blue wall, I mean, it's all the same. 4 Q. Okay. And what does it mean? 5 A. You basically you don't go and report 6 police misconduct, you look the other way. If 7 you do report police misconduct, you're out. 8 You become a target of retaliation. That's 9 existed for many years. 10 Q. How did you come to be familiar with 11 this alleged code of silence? 12 A. Me sitting here. 13 Q. Okay. 14 A. That's for one. I live it. 15 Q. Okay. Anything other than the fact 16 that you believe you've been retaliated against 17 where you've -- had you heard of this code of 18 silence prior to that, prior to -- 19 A. People talk about it in the academy. 20 Q. Okay. Do cadets talk about it? 21 A. Cadets. 22 Q. Okay. 23 A. You could pull in -- pick officers at 24 random out of a hat, they'll elaborate the same.</p>	<p style="text-align: right;">Page 231</p> <p>1 A. I never said I reported anything to 2 Tina Skahill. 3 Q. Okay. So you're not alleging that? 4 A. The only thing I reported to her is 5 initially the Sergeant Watts thing once we met 6 with the agent and her command staff and were 7 assigned to the Watts investigation, the Brass 8 Tax. That's the only time I've ever spoken to 9 Tina Skahill about any corruption. 10 Q. Just to be clear, you've not reported 11 any of the alleged retaliation that you or 12 Officer Spalding -- 13 A. No. 14 Q. -- suffered to Tina Skahill, correct? 15 A. No. Correct. 16 Q. Okay. And this code of silence you 17 mentioned about not reporting police misconduct, 18 in your understanding of the code of silence, 19 that would apply whether you reported other 20 officers internally to CPD or externally to an 21 organization -- 22 A. Both. 23 Q. -- like the FBI? Both, right? 24 A. Yes.</p>
<p style="text-align: right;">Page 230</p> <p>1 Q. Okay. When you were in the police 2 academy, do you have any recollection of anyone 3 talking about the code of silence, as you've 4 just described? 5 A. Other cadets. 6 Q. Okay. 7 A. I can't be specific. 8 Q. Sure, okay. It wasn't something you 9 were taught at the police academy by the 10 trainers, correct? 11 A. They teach you ethics, as well. 12 Q. Okay. 13 A. In fact, Tina Skahill was an ethics 14 instructor there. That's why when I first 15 reported this, I felt confident reporting it to 16 her because I remember her from the academy. 17 And then she was chief of IAD, so I said, what 18 better person to report it to. 19 Q. I asked you earlier if you reported 20 alleged retaliation to Tina Skahill and you said 21 no. 22 A. I did not. 23 Q. Are you changing your testimony that 24 you did report to Tina Skahill that --</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Okay. And in this case, you and 2 Officer Spalding worked on this investigation 3 first with the FBI and then with -- and then on 4 your work time as CPD both, correct? 5 A. Yes. 6 Q. Okay. And you've alleged that various 7 incidents of retaliation have happened. Do you 8 have any knowledge of whether that retaliation 9 was because you went to the FBI or simply 10 because you broke the code of silence? 11 A. Broke the code of silence. 12 Q. Okay. Thank you. 13 A. That would incorporate both, whether I 14 did it internally or externally. 15 Q. Okay. 16 A. I did what nobody else did, but my 17 partner. 18 Q. Okay. And if people were motivated to 19 retaliate against you, it's just because you 20 broke the code of silence, correct? 21 A. Yes. 22 Q. Okay. 23 MR. SMITH: Objection, vague. 24 THE WITNESS: I mean, I didn't</p>

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<p style="text-align: right;">Page 233</p> <p>1 experience any retaliation prior to that.      2 BY MR. KING:      3 Q. All right. In fact, you didn't      4 experience any retaliation until after you were      5 working on the Watts investigation on your work      6 time for CPD, correct?      7 A. Correct.      8 Q. Other than yourself and Officer      9 Spalding, are you aware of any other officers      10 who you believe broke this code of silence by      11 reporting a misconduct by other police      12 officers --      13 A. Yes.      14 Q. -- that subject -- that were then      15 subjected to some retaliation?      16 A. Yes.      17 Q. Who else?      18 A. Anthony Hernandez with Sergeant Padar.      19 He received retaliation after he reported      20 misconduct by Sergeant Padar.      21 Q. Okay.      22 A. The SOS scandal with Finnigan.      23 Q. Let's go back to Anthony Hernandez.      24 What's your understanding of what he reported</p>	<p style="text-align: right;">Page 235</p> <p>1 Q. And what is the SOS scandal?      2 A. Where I guess Officer Finnigan      3 attempted to hire a hit man to take out who he      4 thought was providing information to outside      5 agencies as well as the CPD for misconduct, also      6 going on the Special Operations Section.      7 Q. And what's the basis for your knowledge      8 of what you call the SOS scandal?      9 A. The same thing. The same thing. It's      10 been in the media, it's public. I've looked at      11 it, I've read it.      12 Q. Okay. But other than what you've read      13 about it, you don't have any personal knowledge      14 of the circumstances involved in the SOS      15 scandal?      16 A. No. Just what's been in public.      17 Q. Okay. Is that something that's      18 currently ongoing or was this something that      19 happened a long time ago?      20 A. I want to say a long time ago, but it's      21 definitely within a reasonable time back. I      22 wouldn't say it's ten years ago, I wouldn't say      23 it's 20 years ago.      24 Q. Sure. How long ago do you think this</p>
<p style="text-align: right;">Page 234</p> <p>1 and how he's been retaliated against.      2 A. He reported some misconduct with      3 Officer -- with Sergeant Padar and he's been      4 retaliated as far as like taken off of      5 Narcotics teams, placed in guard shacks. I      6 mean, you'd have to speak to him to get a lot of      7 detail.      8 Q. And that's some current, ongoing      9 litigation, correct?      10 A. I believe so.      11 Q. Okay. And where did you learn of these      12 facts or these alleged facts about the Hernandez      13 case?      14 A. I think it was made public at one time,      15 too. But I got a lot of it from the media.      16 Q. Okay. And you got some of it from --      17 A. Some of it from him, as well.      18 Q. And some of it from Officer Spalding,      19 correct?      20 A. Correct.      21 Q. Okay, all right. Other than the      22 Anthony Hernandez situation, what other      23 incidents of alleged --      24 A. The SOS scandal.</p>	<p style="text-align: right;">Page 236</p> <p>1 SOS --      2 A. It's definitely before the Brass Tax.      3 So Brass Tax was maybe about five years now or      4 so, that we initially did. Maybe seven or      5 eight years.      6 Q. Okay.      7 A. Is that safe? I mean, an      8 approximation.      9 Q. I'm trying to get your best      10 recollection. But it was before 2007 when you      11 and Officer Spalding started working on      12 Operation Brass Tax?      13 A. Thereabouts, yes.      14 Q. Okay. Other than Anthony Hernandez and      15 what you described as the SOS scandal, are you      16 aware of any other incidents where an officer      17 allegedly broke the code of silence and then was      18 subjected to some retaliation?      19 A. That would be the best examples I have.      20 Q. Okay.      21 A. Other than mine.      22 Q. Okay.      23 MR. KING: How are you holding up?      24 THE COURT REPORTER: I'm fine.</p>

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1       MR. KING: Are you guys okay --	1       Q. Okay.
2       MR. SMITH: Yeah.	2       MR. SMITH: I'm just going to object
3       MR. KING: -- continuing? That's fine?	3       vague as the word inferring.
4 BY MR. KING:	4       THE WITNESS: They allowed it to
5       Q. I understand that you're claiming and	5       happen.
6 you've testified that each of the individual	6 BY MR. KING:
7 Defendants engaged in certain kinds of	7       Q. Okay. Yeah, let's explore that even
8 retaliation against you and Officer Spalding; is	8 further.
9 that correct?	9       A. Okay.
10      A. Yes.	10      Q. You're alleging that because each of
11      Q. Okay. You're not claiming that each of	11 the individual Defendants engaged in some form
12 these individual Defendants reached some	12 of retaliation and the fact that some -- you
13 understanding or agreement with other people	13 know what, strike that.
14 that they were going to retaliate against you,	14      A. Okay.
15 are you?	15      Q. And I assume you're not alleging that
16      A. Other people as to who? Among	16 each of the individual Defendants even had
17 themselves, yes.	17 knowledge of all of the retaliation that other
18      Q. Among themselves?	18 Defendants committed, would that be fair to say?
19      A. Yes, I agree that they have.	19      A. No.
20      Q. Okay. Let's talk about them. Let's	20      Q. You think each of the Defendants had
21 talk about Chief Rivera.	21 knowledge of what everybody else did?
22      Are you claiming that Chief Rivera	22      A. Yes.
23 reached some understanding or agreement with	23      Q. Okay. So you think the people in
24 anyone to retaliate against you?	24 Inspections had knowledge of the retaliation
Page 238	Page 240
1      A. Yes.	1      that you suffered in Fugitive Apprehension?
2      Q. Okay. Who do you think he reached an	2      A. They do now.
3 understanding or agreement with to retaliate	3      Q. Okay. Other than --
4 against you?	4      A. I mean --
5      A. The other Defendants.	5      Q. You're right, you're right.
6      Q. And that's based on what?	6      A. Right?
7      A. Based on the fact that I'm still	7      Q. You're right.
8 sitting here being deposed, based on the fact	8      A. Okay.
9 that I had to file a lawsuit, based on comments	9      Q. Other than through your lawsuit, other
10 that we've been subject to, based that we've	10 than through your publicly filed lawsuit and
11 brought to his attention things, based that he's	11 your famous television appearances --
12 confided in us and explained to us meetings that	12      A. I'm not camera shy.
13 he was present. As far as not -- we were	13      Q. -- you're not alleging, are you, that
14 referred to as IAD rats by other -- by James	14 all of the individual Defendants even had
15 O'Grady, Nick Roti not wanting us back, telling	15 knowledge of the harassment or retaliation that
16 us our careers are over. Sure, send them back,	16 was allegedly committed by other individual
17 let's see if they get help on the street. All	17 Defendants, would you agree with that?
18 of that.	18      A. I can't agree or I can't disagree.
19      Q. Okay. So would it be fair to say that	19      Q. You don't know, right?
20 you are inferring because the individual	20      A. I'd say -- I'd say they all know, to a
21 Defendants committed acts of retaliation, that	21 degree.
22 they must have agreed or reached some	22      Q. Okay.
23 understanding to do that?	23      A. Prior to the lawsuit and more so after
24      A. Yes.	24 the lawsuit.

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1 Q. Okay.	1 BY MR. KING:
2 A. My opinion.	2 Q. Officer Echeverria, I'm showing you
3 Q. Okay. I'll just take that same	3 another document that's been marked as
4 example. Is it your testimony that Lieutenant	4 Deposition Exhibit No. 13. It's a Summary
5 Pascua and Lieutenant Sadowski had knowledge of	5 Report Digest, at least the first page
6 the alleged retaliation that you suffered in the	6 indicates. And this document refers to the CR
7 Fugitive Apprehension unit before you publicized	7 where you and Officer Spalding and Sergeant
8 those events by filing a lawsuit and going on	8 Pasquinelli were named relating to efforts to
9 television?	9 recover a dog?
10 A. Hard to say. Like I said, to a degree.	10 A. Rin Tin Tin thing yeah.
11 Q. Do you have any basis for that	11 Q. Do you recall this?
12 assertion, other than --	12 A. Yeah.
13 A. My personal opinion.	13 Q. Okay, all right. And you're aware that
14 Q. Okay. Other than your personal	14 a CR had been filed against you --
15 opinion?	15 A. Yeah, I'm aware of that.
16 A. No. Other than my personal opinion,	16 Q. -- regarding that incident?
17 no.	17 Okay. Do you know whether you've seen
18 Q. Okay. We've gone all the way through	18 this document before?
19 to your employment with Sergeant Stack. You're	19 A. I don't know if I got the whole
20 still on that team?	20 breakdown of it like this.
21 A. Yes.	21 Q. Okay.
22 Q. I'm just going to ask you for each of	22 A. I can't recall.
23 the individual Defendants, Rivera, Kirby,	23 Q. Okay. Well, if you --
24 O'Grady, Roti, Sadowski, Pascua, Stanley,	24 A. I know I was interviewed.
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1 Barnes, Cesario, Salemme and Mills, other than	1 Q. You were interviewed?
2 what you've already testified to, are you aware	2 A. And my partner was interviewed.
3 of any retaliation by any of those individuals	3 Q. She was?
4 resulting from your work on Operation Brass	4 A. I remember somebody telling me they
5 Tax?	5 interviewed everybody except the dog.
6 A. Other than Brass Tax?	6 Q. That's a good line.
7 Q. No. Other than what you've testified	7 A. It was true. It's a true story, a true
8 to already, are you aware of any other	8 statement.
9 retaliation or alleged retaliation by those	9 Q. All right.
10 individuals resulting from your work on	10 A. I think it was by investigative
11 Operation Brass Tax?	11 Shipwreck (phonetic) or something along those
12 A. The best of my knowledge, what I have	12 lines. He said that to me.
13 explained to you today.	13 Q. Do you recall that the investigator was
14 Q. Okay. To the best of your knowledge,	14 Joseph Stehlik?
15 there's nothing else?	15 A. That's the second one.
16 A. The best of my knowledge at this time,	16 Q. There was one prior to that?
17 nothing else.	17 A. Yeah, I think so. The Shipwreck guy.
18 Q. Okay. Thank you.	18 Q. Okay. It was something like Shipwreck
19 A. If I think of something else, I'll let	19 was his name?
20 you know.	20 A. Something like that, along those lines.
21 Q. I appreciate that.	21 I don't know if I'm saying it right. It was
22 (Whereupon, Echeverria	22 like Shipwreck, Shipwreck. I don't know, agent
23 Deposition Exhibit No. 13 was	23 something or other.
24 marked for identification.)	24 Q. Do you have any knowledge of why the

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1 investigator changed on this?	1 did it.
2 A. I don't know. I don't know if the guy	2 Q. Okay.
3 was on vacation or something. I don't know.	3 A. That's 929.
4 Q. Sure, okay.	4 Q. I just wanted to know if you know from
5 A. I don't know how they do things like	5 your personal knowledge.
6 that up there.	6 A. I grieved it.
7 Q. When you gave your statement or	7 Q. That's fine.
8 interview, was that by -- let's just call him	8 (Whereupon, Echeverria
9 Shipwreck. Was that by him or was it by this	9 Deposition Exhibit No. 14 was
10 Joseph Stehlík?	10 marked for identification.)
11 A. I think Stehlík.	11 BY MR. KING:
12 Q. Okay.	12 Q. Officer, I'm showing you another
13 A. Yeah. A taller, white gentleman.	13 document that's been marked Echeverria
14 Q. If you look at the page, go by the	14 Deposition Exhibit No. 14. It's an overtime
15 numbers at the bottom right, it's Page 924.	15 report that we've produced in the case from
16 A. Okay.	16 January 1, 2006 through November 11, 2014. It's
17 Q. And it indicates here that the	17 overtime by year for you and Officer Spalding.
18 allegations against you for violation of Rule 4	18 As you sit here -- well, let me ask
19 and violation of Rule 2 were sustained. Do you	19 you, have you seen this report before?
20 see that?	20 A. I've never seen a report like this
21 A. Yes.	21 before.
22 Q. Is that your understanding that at	22 Q. Okay. As you sit here, do you have any
23 least the initial finding was a sustained on	23 reason to question whether these are your
24 those two violations?	24 accurate overtime hours worked in the years
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1 A. Yes.	1 listed?
2 Q. Okay. And on the next page it	2 A. It encompasses eight years of a time
3 references a recommendation and a recommendation	3 span, so I don't know how --
4 that you be suspended for two days. Were you	4 Q. You don't know one way or the other --
5 aware of -- are you aware of that	5 A. No.
6 recommendation?	6 Q. -- whether it's accurate?
7 A. I believe so.	7 A. Eight years? Jesus, no, I wouldn't
8 Q. Okay. And ultimately this was changed	8 know.
9 to a finding of not sustained, correct?	9 Q. Okay. I'm just asking.
10 A. Yeah. I grieved it, I think.	10 At any point during the period where
11 Q. Okay.	11 you allege that you've been retaliated against,
12 A. Yeah.	12 you and officer, your salaries were not reduced,
13 Q. And you did not receive any discipline,	13 correct?
14 correct?	14 A. Well, some overtime was impeded, so
15 A. Correct.	15 maybe it was. But other than that, no.
16 Q. Okay. And do you have any personal	16 Q. Okay.
17 knowledge of knowing who made the decision to	17 A. It's not like I took a demotion in pay.
18 change the finding from sustained to	18 I'm being paid as a police officer.
19 unsustained?	19 Q. Right.
20 A. I think I talked to an FOP lawyer.	20 A. I'm not a detective pay or sergeant pay
21 Maybe they know. I don't know off the top of my	21 and then reduced a pay grade.
22 head, no.	22 Q. Right. So aside from overtime
23 Q. Okay, that's fine.	23 potentially, you're not alleging that as a
24 A. It says here Daniel Mahoney. Maybe he	24 result of this retaliation, your salaries were

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<p>1 cut?</p> <p>2 A. No, no.</p> <p>3 Q. In fact, during the years that you've</p> <p>4 alleged that the retaliation has been going on,</p> <p>5 have you received any pay increases?</p> <p>6 A. A step increase.</p> <p>7 Q. Okay.</p> <p>8 A. A contract increase.</p> <p>9 Q. Okay. And do you get those every year?</p> <p>10 A. I don't know. I think they're like</p> <p>11 benchmark type. I think one is off of your</p> <p>12 probation time, I think you get one on the</p> <p>13 anniversary there. And then -- I mean, don't</p> <p>14 quote me. Like a five-year step increase, a</p> <p>15 ten-year step increase. I recently made a</p> <p>16 15-year benchmark, I think I got an increase</p> <p>17 there --</p> <p>18 Q. Okay.</p> <p>19 A. -- by contract. Something like that.</p> <p>20 Q. Sure.</p> <p>21 A. But other than step increase, no.</p> <p>22 Q. Okay. But none of your step increases</p> <p>23 have been impeded in any way --</p> <p>24 A. No.</p>	<p>Page 249</p> <p>1 team on nights and Sergeant Stack's team back on</p> <p>2 days, has overtime opportunities been pretty</p> <p>3 similar for all of those?</p> <p>4 A. No. It's been different.</p> <p>5 Q. How has it been different?</p> <p>6 A. I believe on Barnes' team, we didn't</p> <p>7 get overtime because everybody there was</p> <p>8 deputized.</p> <p>9 Q. Okay.</p> <p>10 A. So they got overtime through the</p> <p>11 Marshal's program because of their credentials,</p> <p>12 Marshal funding. So we weren't allotted that.</p> <p>13 Then on Mills' team, we weren't allotted</p> <p>14 overtime there, either. But I don't know, I</p> <p>15 can't speak for the rest of the team, either.</p> <p>16 Sergeant Stack's team, I've been allotted some</p> <p>17 overtime being non-deputized.</p> <p>18 Q. Okay.</p> <p>19 A. But then again, it has also been</p> <p>20 limited to deputized or task force officers, as</p> <p>21 well.</p> <p>22 Q. Okay.</p> <p>23 A. So, I mean, I don't know. Does that</p> <p>24 answer your question?</p>
<p>1 Q. -- as a result of the allegation of</p> <p>2 retaliation?</p> <p>3 A. No.</p> <p>4 Q. Okay. And you believe there may be</p> <p>5 some overtime opportunities that were lost as a</p> <p>6 result of the alleged retaliation?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. As you sit here, do you -- I</p> <p>9 mean, are you able to quantify how much overtime</p> <p>10 you've lost?</p> <p>11 A. I can't put a dollar number on it</p> <p>12 because overtime is always a variable.</p> <p>13 Q. Sure.</p> <p>14 A. You could have one hour, you could have</p> <p>15 five hours.</p> <p>16 Q. Sure.</p> <p>17 A. You could do a double shift. I mean,</p> <p>18 it's a variable. It's a case by case.</p> <p>19 Q. Sure. Have you worked any overtime --</p> <p>20 well, strike that.</p> <p>21 Since you've been in Fugitive</p> <p>22 Apprehension, has there been any difference in</p> <p>23 the overtime opportunities, let's say from</p> <p>24 Sergeant Barnes' team on days to Sergeant Mills'</p>	<p>Page 250</p> <p>Page 252</p> <p>1 Q. Yeah, yeah.</p> <p>2 A. All right.</p> <p>3 Q. Just to be clear, I mean, you're not</p> <p>4 alleging that you've worked some overtime hours</p> <p>5 and not been paid for it, you just --</p> <p>6 A. I'd grieve it, if I was.</p> <p>7 Q. So that would be a no, right?</p> <p>8 A. That would be a no.</p> <p>9 Q. Okay, fair enough. And it sounded like</p> <p>10 you're saying that in Fugitive Apprehension,</p> <p>11 there's some difference between overtime</p> <p>12 opportunities for Marshal's Task Force officers</p> <p>13 and non-task force officers?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And whatever overtime</p> <p>16 opportunities you or Officer Spalding would get</p> <p>17 or wouldn't get, would be the same as other</p> <p>18 non-task force officers, correct?</p> <p>19 A. That's hard to answer. I mean, because</p> <p>20 Officer Spalding and myself were treated</p> <p>21 differently than other officers, as well.</p> <p>22 Q. Are you aware of any other officers,</p> <p>23 non-task force officers in Fugitive Apprehension</p> <p>24 getting overtime opportunities that you believe</p>

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1 were not afforded to you and Officer Spalding?  
 2 A. I mean, there are non-task force  
 3 officers that do get overtime and there are some  
 4 that don't, so how do you want me to answer  
 5 that?  
 6 Q. Are you aware of any particular  
 7 circumstances where other non-task force  
 8 officers had the opportunity to get overtime and  
 9 you and Officer Spalding didn't, as you sit  
 10 here?  
 11 A. Could be. Like I said, it's difficult  
 12 to answer that.  
 13 Q. Okay. As you sit here, you're not  
 14 aware of any particular circumstances; is that  
 15 correct?  
 16 A. It's difficult to answer, sir.  
 17 Q. Okay.  
 18 A. I mean --  
 19 Q. Okay.  
 20 A. I'm being as honest as I can.  
 21 Q. Okay. I understand.  
 22 A. I'm answering you the best I can at the  
 23 moment.  
 24 Q. I understand.

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1 And you're not claiming that as a  
 2 result of the alleged retaliation, that you've  
 3 been demoted in rank or anything like that?  
 4 A. I still wear a blue shirt.  
 5 Q. That would be a no?  
 6 A. Correct.  
 7 Q. Okay, thanks.  
 8 And you mentioned earlier that you went  
 9 on medical leave for a period of time --  
 10 A. Yes.  
 11 Q. -- correct? Okay. And our records I  
 12 think show that you went out on medical leave  
 13 from on or about May 14, 2013 to December 10,  
 14 2013.  
 15 A. That sounds about right.  
 16 Q. Does that sound about right? Yes?  
 17 A. That sounds about right, plus or minus  
 18 a day or two here and there.  
 19 Q. All right. And are you seeking to  
 20 recover damages in this case for --  
 21 A. For burning my time?  
 22 Q. -- for emotional distress?  
 23 A. Absolutely.  
 24 Q. Okay. And have you visited any doctors

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1 or other medical professionals for the emotional  
 2 distress?  
 3 A. Yes, I have.  
 4 Q. And do you recall what doctors or other  
 5 medical professionals you've seen?  
 6 A. I visited my primary care physician  
 7 first.  
 8 Q. Okay.  
 9 A. Who in her medical opinion believed it  
 10 would be beneficial for me to take this medical  
 11 leave.  
 12 Q. Take a medical leave. And what's that  
 13 doctor's name?  
 14 A. Her name is Dr. Vesna Sternic.  
 15 Q. Okay. She had a hard name to  
 16 pronounce. I was just going to call her Dr. V.  
 17 Would that work?  
 18 A. Vesna is the first name, I think, and  
 19 Sternic is the last name.  
 20 Q. Sternic. We'll go with Sternic, okay.  
 21 And that was your primary care physician?  
 22 A. Yes.  
 23 Q. So how long has Dr. Sternic been your  
 24 doctor or when did you think you first visited

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1 with her?  
 2 A. She's been my doctor for a while. I  
 3 want to say -- I'm trying to use a reference  
 4 guide.  
 5 Q. Sure.  
 6 A. Well, my kid's about eight-years old.  
 7 My kid is eight. I've been seeing her at least  
 8 that time.  
 9 Q. Okay.  
 10 A. I don't know if I saw her before.  
 11 Q. Eight years, somewhere along there?  
 12 A. Thereabouts.  
 13 Q. Okay. That's fine.  
 14 A. I'm trying to use that as kind of like  
 15 a guideline.  
 16 Q. Sure.  
 17 A. I mean, I can't tell you my first day I  
 18 went to see her.  
 19 Q. Sure. And who else have you seen?  
 20 A. And then I received a referral from  
 21 Dr. Sternic to see a Dr. Ruzycki.  
 22 Q. And Dr. Ruzycki is a psychologist?  
 23 A. Yes.  
 24 Q. Okay. And, again, I think our records

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1 indicate you first saw Dr. Ruzycki on May 16, 2 2013. Does that sound right?	1 Q. I think so. 2 A. All right.
3 A. Whatever is on the medical record, I'm 4 sure that's pretty accurate.	3 (Whereupon, a discussion was had 4 off the record.)
5 Q. Okay. And other than Dr. Sternic and 6 Dr. Ruzycki, have you seen anyone else --	5 (Whereupon, Echeverria 6 Deposition Exhibit Nos. 15 and 7 16 were marked for 8 identification.)
7 A. Yeah.	9 BY MR. KING:
8 Q. -- for conditions that you're claiming 9 were the result of retaliation?	10 Q. Officer Echeverria, I'm showing you a 11 couple of medical reports that have been marked 12 Deposition Exhibit 15 and 16.
10 A. Yeah. I saw a doctor at the Medical 11 Section. I can't think of her name.	13 A. All right.
12 Q. The CPD Medical Section?	14 Q. And these are reports from -- that we 15 got pursuant to subpoena, I think --
13 A. Yeah.	16 A. Okay.
14 Q. Okay. Dr. Arjmand?	17 Q. -- from Dr. Sternic.
15 A. Arjmand. I saw her once or twice.	18 A. All right.
16 Q. Okay.	19 Q. Let's look at the first one, which is 20 Exhibit 15. It mentions an encounter date of 21 8/23/2012. It says reason for visit, 22 hypertension. Do you see that?
17 A. Then I also saw -- I can't think -- I 18 don't know her name. A City doctor when I was 19 evaluated to return to work.	23 A. Where are you at?
20 Q. Was that Dr. Lynsey Stewart?	24 Q. Up here.
21 A. I couldn't tell you. I mean, if that's 22 what's on record.	
23 Q. Okay, that's fine.	
24 A. I'm sure that's accurate. I saw her	
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1 once. No, I saw another doctor, too, who did a 2 medical physical.	1 A. Just point at it with your pen and I'll 2 follow you where you're at.
3 Q. Okay.	3 Q. Reason for visit, hypertension.
4 A. At the Twin Towers, I think -- not the 5 Twin Towers. The Presidential Towers.	4 A. Okay.
6 Q. Yeah. I think that may have been 7 Dr. Stewart.	5 Q. Do you recall seeing Dr. Sternic for 6 hypertension?
8 A. I don't know. And then I saw a 9 psychologist, as well. So I saw my two doctors, 10 a City -- Arjmand, a City doctor, a City doctor. 11 This is five doctors?	7 A. Yeah. She prescribes me medication for 8 it.
12 Q. And are you saying you saw a 13 psychologist in addition to Dr. Ruzycki or she 14 was the psychologist?	9 Q. When do you think you first saw her for 10 hypertension?
15 A. Ruzycki was the psychologist referred 16 by my primary.	11 A. I can't put a finger on it, but she 12 seems to agree that it's -- stress is a big 13 factor in it.
17 Q. Sure.	14 Q. Okay. To the best of your 15 recollection, it wasn't on this 8/23/2012 date 16 that she first --
18 A. So I saw Sternic, Ruzycki on my own 19 accord. The other two doctors, I had to see due 20 to the City.	17 A. First gave me medication?
21 Q. Okay, that's fine.	18 Q. -- first gave you medication for 19 hypertension?
22 A. In compliance with the City.	20 A. I can't tell you. Unless it says 21 somewhere in the narrative it does, I couldn't 22 tell you with exact definition of it.
23 Q. That's fine.	23 Q. Well, just from your own recollection, 24 if you can recall. I mean, do you think it was

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1 August of 2012 when she first started giving you 2 medication for hypertension or before? 3 A. Like I said, I can't tell if it's 4 before or that day. 5 Q. Okay. 6 A. The best of my knowledge. 7 Q. All right. 8 A. I mean, unless it's -- unless it's 9 referenced somewhere where she says yes, then I 10 would say it would be accurate. 11 Q. Well, here on the first page, it says 12 in this paragraph, Daniel has a past medical 13 history of HTN, hypertension. 14 A. Okay. That's kidney stone, calculi. 15 Renal calculi. 16 Q. That's kidney stones? 17 A. Renal calculi, yes. 18 Q. Does that help you at all remember 19 whether you had a history of hypertension? 20 A. Well, she puts a medical history, then 21 it must be prior to that date. 22 Q. Right. 23 A. Okay. 24 Q. Okay. But you don't know how long	1 A. Yeah, I remember this visit. 2 Q. Okay. Am I correct? 3 A. Correct. 4 Q. Okay. So am I correct that the May 8, 5 2013 visit was the first time you -- 6 A. I confide in her about work, yes. 7 Q. Okay, thank you. So that was the first 8 time you told her about things that you were 9 going through at work? 10 A. Yes. 11 Q. Okay. And did anyone recommend to you 12 that you talk to your doctor about the things 13 that were going on at work? 14 A. I thought I should be open to her and 15 explain to her -- 16 Q. Okay. 17 A. -- the stress I was going through and 18 her giving me her opinion if she thought that 19 would be a factor in the hypertension, as well. 20 Q. Okay. 21 A. Having myself some kind of medical 22 background. 23 Q. And you don't know when she first 24 prescribed you medication for hypertension?
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1 prior to 8/23/2012 she diagnosed you with 2 hypertension? 3 A. No, I don't, the best of my knowledge. 4 Q. And she also indicates that you have a 5 family history of hypertension in both your 6 father and your mother; is that correct? 7 A. Yes. 8 Q. Okay. Now, if you look at the next 9 exhibit, 16. It's another visit with Dr. -- 10 A. Sternic. 11 Q. -- Sternic dated May -- 12 A. March. May? 13 Q. May 8, 2013. 14 A. Yes, okay. 15 Q. Do you see that? 16 A. Yes, I do. 17 Q. Okay. And in the section HPI on this 18 exhibit, it says, patient is in a very stressful 19 situation at work, which influences his life, 20 blood pressure. Do you see that? 21 A. Yes. 22 Q. Okay. And in Exhibit 15, the earlier 23 visit, there's no mention of anything about work 24 or stress at work, correct?	1 A. I can't tell you an exact date. I 2 mean, if you want to ask her. I mean, I'm sure 3 if you contact her she -- that will be 4 available. 5 Q. Are you still currently taking 6 hypertension medication? 7 A. Yes, I do. 8 Q. Okay. That's something you take daily? 9 A. Yeah, once a day, three pills. 10 Q. Okay. 11 A. Even though she says that the pressure 12 is better now, she said, see -- and, in fact, 13 that was my last visit with her. My last visit, 14 if you let me look at the calendar, I'll tell 15 you. She said, see, the stress is down, you 16 know, the hypertension is down. And I told her, 17 well, I'm going to a deposition. And she said, 18 well, just try and work on your stress. 19 Q. Okay. 20 A. Let's keep it down. 21 Q. In your last visit with her? 22 A. Yes. 23 Q. Okay. That's fine. 24 Do you see her regularly for

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<p>1 hypertension or --</p> <p>2 A. Whenever she tells me to make an</p> <p>3 appointment, I make an appointment.</p> <p>4 Q. Okay.</p> <p>5 A. I trust her with my life.</p> <p>6 Q. So Exhibit 16 has an encounter date of</p> <p>7 May 8, 2013. Do you have any recollection of</p> <p>8 how many times you've seen her since May 8th of</p> <p>9 2013?</p> <p>10 A. Since then, I can't tell you.</p> <p>11 Q. Okay.</p> <p>12 A. You know, I saw her -- was that during</p> <p>13 my leave? If it was during my leave, I would</p> <p>14 see her whenever she told me to make an</p> <p>15 appointment to see her.</p> <p>16 Q. Okay. And what she treated you for --</p> <p>17 A. Basically, she --</p> <p>18 Q. -- Dr. Sternic, was always hypertension</p> <p>19 or --</p> <p>20 A. Anything that related to a medical</p> <p>21 condition that I needed a prescription, I would</p> <p>22 see her.</p> <p>23 Q. Okay. Did she prescribe any other</p> <p>24 medications for you other than medication</p>	Page 265	<p>1 A. I couldn't tell you. I mean, it's not</p> <p>2 like I've been taking the thing for five years</p> <p>3 or anything like that.</p> <p>4 (Whereupon, Echeverria</p> <p>5 Deposition Exhibit No. 17 was</p> <p>6 marked for identification.)</p> <p>7 BY MR. KING:</p> <p>8 Q. Officer Echeverria, I'm showing you</p> <p>9 another document that's been marked as</p> <p>10 Deposition Exhibit No. 17. It's a psychological</p> <p>11 assessment from Dr. Ruzycki. Do you know if</p> <p>12 you've ever seen this before?</p> <p>13 A. I may have seen this. Because she</p> <p>14 would give me some letters when I needed to take</p> <p>15 to the Medical Section. I would have her fax it</p> <p>16 as well as I would take a hard copy.</p> <p>17 Q. Okay.</p> <p>18 A. I don't know if my age was right at</p> <p>19 that point. I think there was a typo with that.</p> <p>20 Q. Okay. In that first paragraph, she</p> <p>21 says, Daniel was first seen on 5/16/13. Any</p> <p>22 reason to doubt that that's the date you first</p> <p>23 saw her?</p> <p>24 A. I mean, if it's in the medical record</p>	Page 267
<p>1 relating to hypertension?</p> <p>2 A. I think she's prescribing it to me now.</p> <p>3 Now or then? It's up to you. You tell me.</p> <p>4 Q. Let's say now.</p> <p>5 A. Now? Maybe some cholesterol</p> <p>6 medication.</p> <p>7 Q. Okay.</p> <p>8 A. But that's it.</p> <p>9 Q. Okay.</p> <p>10 A. That's all she prescribes me.</p> <p>11 Q. Okay. All she -- Dr. Sternic</p> <p>12 prescribes you --</p> <p>13 A. Yeah.</p> <p>14 Q. -- is medication for hypertension --</p> <p>15 A. Hypertension.</p> <p>16 Q. -- and cholesterol?</p> <p>17 A. Cholesterol.</p> <p>18 Q. Do you know when she first prescribed</p> <p>19 you the cholesterol medicine?</p> <p>20 A. Again, hard to say.</p> <p>21 Q. That's fine.</p> <p>22 A. It's fairly recent. I don't know, I</p> <p>23 can't say.</p> <p>24 Q. Do you think in 2014?</p>	Page 266	<p>1 and it concurs with Dr. Sternic, it would be</p> <p>2 accurate.</p> <p>3 Q. Okay, that's fine. And, in fact, she</p> <p>4 says at the start of the next paragraph, you're</p> <p>5 currently on medical leave which started</p> <p>6 5/14/13. Do you see that?</p> <p>7 A. 5/14, yes. Paragraph 2.</p> <p>8 Q. Okay. And in the last paragraph</p> <p>9 that --</p> <p>10 A. The treatment?</p> <p>11 Q. The treatment --</p> <p>12 A. Yes.</p> <p>13 Q. -- will address his mood and coping</p> <p>14 skills. And then in the next sentence begins,</p> <p>15 Daniel denies feeling depressed. Do you</p> <p>16 remember denying to her that you felt that you</p> <p>17 were depressed?</p> <p>18 A. I'm not depressed.</p> <p>19 Q. Okay. So that's a yes?</p> <p>20 A. Yeah, I'm not depressed. Yes.</p> <p>21 Q. Okay, that's fine. And then she goes</p> <p>22 on to say, treatment will address approaches to</p> <p>23 handling stress.</p> <p>24 A. It was a lot of stuff we discussed.</p>	Page 268

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1	Q. Okay.	1	A. -- off of medical.
2	A. Stress, insomnia. I made Dr. Ruzycki	2	Q. Okay. And did she indicate you no
3	aware of exactly what I was going through at	3	longer needed to see her or did you just decide
4	work. I thought it was fair to let her know so	4	to stop seeing her or how did that end come
5	that she could advise me with coping and	5	about?
6	everything else accurately.	6	A. We discussed many topics. We discussed
7	Q. Okay.	7	coping, we discussed a support network. Just
8	A. I mean, I can't keep nothing out if I	8	the ways how to cope with --
9	want to get fair treatment. And I did the same	9	Q. Sure.
10	with Dr. Sternic.	10	A. -- things that I was going through.
11	Q. So the things that you reported to your	11	And then we worked on maybe tapering off the
12	doctors that you believe were the result of the	12	medical leave as I progressed. I left it up to
13	retaliation were stress, insomnia?	13	her discretion. She saw that I was progressing.
14	A. Stress, insomnia.	14	And then I was ordered back to work by
15	Q. Anything else?	15	Dr. Arjmand and that was it.
16	A. The hypertension. They all agree,	16	Q. Let's talk about that.
17	yeah, it's all stress related. It's a stress	17	A. Okay.
18	disorder they told me.	18	Q. Since you've come back from your
19	Q. Okay, that's fine. Did Dr. Ruzycki	19	medical leave, have you seen any doctors
20	ever prescribe any medication for you?	20	relating to conditions that you believe are
21	A. No.	21	resulting from the retaliation?
22	Q. And how many times have you --	22	A. Just the hypertension with Dr. Sternic.
23	A. Seen Dr. Ruzycki?	23	Q. Okay.
24	Q. -- seen Dr. Ruzycki?	24	A. I haven't seen Dr. Ruzycki since I've
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1	A. Many times.	1	been back.
2	Q. Many times?	2	Q. Okay.
3	A. More than I saw Dr. Sternic.	3	A. Dr. Sternic, like I said, I saw not too
4	Q. Okay.	4	long ago.
5	A. Because we did biweekly.	5	Q. Sure. And since you've been back from
6	Q. Okay.	6	the medical leave, I mean, how are you feeling
7	A. I don't know if it was weekly and then	7	7 in terms of stress, hypertension, sleeping?
8	biweekly or biweekly and then eventually	8	A. Every day is stressful.
9	monthly.	9	Q. Yeah, okay.
10	Q. Okay.	10	A. But I've got to move forward. I mean,
11	A. It just -- it was ongoing.	11	I've learned to cope with it.
12	Q. Okay. When was the last time you saw	12	Q. Okay.
13	her, if you know?	13	A. Every day is a stressful day in that
14	A. You'd have to ask her. I can't tell	14	unit.
15	you with an exact definition of a date.	15	Q. It's a stressful job.
16	Q. I mean, are you still on --	16	A. Yes, it is. But the stress I go
17	A. Have I seen her?	17	through is not typical of the job. It's other
18	Q. Are you still on a schedule to see her	18	factors --
19	periodically?	19	Q. Okay.
20	A. No, no.	20	A. -- that contribute to it.
21	Q. When did your periodic visits with her	21	Q. Are you still having difficulty
22	come to an end?	22	sleeping or is that --
23	A. Sometime after I came back off of --	23	A. On and off. I can't -- I mean,
24	Q. Off of medical leave?	24	sometimes I sleep three hours, sometimes I sleep

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<p>1 longer, sometimes I sleep five hours.</p> <p>2 Q. Okay.</p> <p>3 A. It just depends.</p> <p>4 Q. Okay.</p> <p>5 (Whereupon, Echeverria</p> <p>6 Deposition Exhibit No. 18 was</p> <p>7 marked for identification.)</p> <p>8 BY MR. KING:</p> <p>9 Q. Officer, I'm showing you another</p> <p>10 medical record that's been marked Deposition</p> <p>11 Exhibit 18. It's a letter from</p> <p>12 Dr. Sternic dated June 13, 2013. Do you recall</p> <p>13 seeing this before?</p> <p>14 A. Sure. It's signed by my doctor. And</p> <p>15 like I said, there's letters that I had her fax</p> <p>16 as well as I had to take --</p> <p>17 Q. Okay.</p> <p>18 A. -- in compliance with the Medical</p> <p>19 Section.</p> <p>20 Q. Okay. So when she would give you</p> <p>21 something relating to your ability to return to</p> <p>22 work, it's your understanding it would be faxed</p> <p>23 to the Medical Section and you'd also bring a</p> <p>24 hard copy, correct?</p>	<p>Page 273</p> <p>1 a few months prior to 5/8/13?</p> <p>2 A. Sure, I can -- I'll agree to that.</p> <p>3 Q. During the period that you were on</p> <p>4 medical leave, you were still able to drive,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you were still able to</p> <p>8 ambulate or get around?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And during that period, you were</p> <p>11 also still able to carry a firearm, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And during the period that you were on</p> <p>14 medical leave, did you feel that you were still</p> <p>15 capable of arresting a suspect?</p> <p>16 A. I wasn't physically impeded. I mean,</p> <p>17 sure.</p> <p>18 Q. Okay.</p> <p>19 A. I was ambulatory.</p> <p>20 (Whereupon, Echeverria</p> <p>21 Deposition Exhibit No. 19 was</p> <p>22 marked for identification.)</p> <p>23 BY MR. KING:</p> <p>24 Q. Officer, I'm showing you another</p>
<p>1 A. Yes. I'd take the extra measure and</p> <p>2 take it to them.</p> <p>3 Q. Okay. And she mentions in Exhibit 18,</p> <p>4 symptoms including anxiety and insomnia. And</p> <p>5 then a little further down, she says, it started</p> <p>6 a few months. But as of 5/18/13, he was advised</p> <p>7 to stay off of work. Do you see that?</p> <p>8 A. What started a few months ago? Oh,</p> <p>9 yeah. Yes.</p> <p>10 Q. Okay. So would you agree that you told</p> <p>11 Dr. Sternic that the symptoms you were having,</p> <p>12 anxiety, insomnia, started a few months prior to</p> <p>13 5/8/13?</p> <p>14 A. No. I mean, maybe my -- when did my</p> <p>15 leave start? Maybe my hypertension worsened a</p> <p>16 few months ago prior to that. I don't know what</p> <p>17 she -- I can't interpret her letter.</p> <p>18 Q. Okay.</p> <p>19 A. With exact. I mean, you'd have to ask</p> <p>20 her.</p> <p>21 Q. She says, it started a few months ago.</p> <p>22 But as of 5/8/13, he was advised to stay off the</p> <p>23 work. Would you agree that you told Dr. Sternic</p> <p>24 that the symptoms, anxiety and insomnia, started</p>	<p>Page 274</p> <p>1 document that's been marked Deposition</p> <p>2 Exhibit 19, which is a letter from Susan</p> <p>3 Arjmand, M.D. to Dr. Ruzycki dated November 5,</p> <p>4 2013. Have you ever seen this letter before?</p> <p>5 A. Yes, I believe I have seen this.</p> <p>6 Q. Okay. And what were the circumstances</p> <p>7 under which you saw the letter?</p> <p>8 A. I believe that's when I met with</p> <p>9 Dr. Ruzycki.</p> <p>10 Q. Okay.</p> <p>11 A. And I had already met with Dr. Arjmand.</p> <p>12 Q. Okay. And when you met with</p> <p>13 Dr. Arjmand at any time, do you remember her</p> <p>14 discussing these issues with you, your ability</p> <p>15 to drive, your ability to ambulate?</p> <p>16 A. No.</p> <p>17 Q. Okay. And do you recall any discussion</p> <p>18 you had with Dr. Ruzycki about this letter?</p> <p>19 A. Yes.</p> <p>20 Q. And what was discussed about the</p> <p>21 letter?</p> <p>22 A. I had told her what had transpired</p> <p>23 with -- as well as with Dr. Sternic what had</p> <p>24 transpired with Dr. Arjmand and that was it.</p>

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SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

277-280

Page 277	Page 279
1 Q. Okay. And what do you mean when you 2 say, what had transpired with respect to 3 Dr. Arjmand?	1 to say that. And I said, what does that have to 2 do with my visit with you? She said, tell me 3 about it. I said, why don't you Google it.
4 A. I had an appointment with the Medical 5 Section --	4 Q. Okay.
6 Q. Yes.	5 A. She didn't like that answer. She had 6 me sit back out front and I waited for like 7 three or four hours. And then I saw 8 Dr. Arjmand, who was inquisitive in the same 9 manner. And I told her the same answer and she 10 didn't like that answer, either. Then she asked 11 me if I'm on -- what are the symptoms I'm 12 feeling.
10 Q. Okay.	13 Q. Sure.
11 A. And then once I got there, they didn't 12 ask me much about my physical or medical 13 condition, they asked me more about my 14 litigation with the City.	14 A. I said hypertension, insomnia, stress. 15 I said, there's medication for all of that. She 16 said if I wanted to be at home all day sitting 17 on the sofa watching TV or did I want to come 18 back to work.
15 Q. Okay. And do you recall who that was?	19 Q. And what did you say?
16 A. If you say the name, I'll tell you yes 17 or no. Put some names out there and I'll tell 18 you who it was.	20 A. I said, wow. I said, I've never been 21 on medical before, it's the first time. She 22 said, well, I think you and your doctors are 23 abusing the Medical Section, is what she said.
19 Q. That's fine. It wasn't Dr. Arjmand, 20 though?	24 Q. Did Dr. Arjmand say that or the other
21 A. Yes. Her, as well.	
22 Q. Okay.	
23 A. I saw a nurse that was not my regular 24 nurse.	
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1 Q. Sure.	1 nurse?
2 A. And then I saw Dr. Arjmand. After I 3 sat there for like four hours or three hours.	2 A. Dr. Arjmand said I'm abusing the 3 Medical Section. She said she will no longer 4 approve my medical.
4 Q. Okay. And they both asked you some 5 questions about your lawsuit with the City?	5 Q. Okay.
6 A. Yes, they did.	6 A. She said, you go and you tell your 7 doctor that I said you need to come back.
7 Q. Okay. Do you remember specifically 8 what they asked about the lawsuit?	8 Q. Okay.
9 A. When I got there, at first they asked 10 me about my letter, did I turn it in or not turn 11 it in. I don't know which one they were talking 12 about. But it was a letter from either 13 Dr. Ruzycki or either from Dr. Sternic. And I 14 brought the hard copy, as well, because they -- 15 I don't think they got it via fax.	9 A. And I said -- and she asked me when my 10 next appointment was. I looked on my phone on 11 my calendar, I gave her an appointment date. I 12 think she gave me a date to return like a day or 13 two after I saw Dr. Sternic. And Dr. Sternic 14 and Dr. Ruzycki wrote letters to reflect me 15 coming back.
16 Q. Okay.	16 Q. Okay.
17 A. So that was the extra measure I spoke 18 of earlier. Then they asked me why I was on 19 medical, I told them it was a stress leave.	17 A. That's a summary of it.
20 Q. Okay.	18 Q. Sure. That's fine.
21 A. Then they asked me my name again, I 22 told them, the nurse, initially. She said, oh, 23 you're the guy that has the litigation with the 24 City, your lawsuit. And I was surprised for her	19 A. I mean, that's a lot of other stuff she 20 said.
	21 Q. Would you agree that when you did go 22 back to work at the end of your medical leave, 23 you believe you were fit to return to work?
	24 A. I was there.

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Page 281	Page 283
1 Q. Do you believe you were fit to return 2 to work? 3 A. I returned to work. I was fit. I was 4 found fit and I returned. 5 Q. And I'm asking you if you believe that 6 you were fit to return to work. 7 A. Yes, I'm fit to -- 8 MR. SMITH: I object to a legal and 9 medical conclusion. 10 THE WITNESS: I had other meetings with 11 Dr. Arjmand, too, where she addressed the letter 12 that she was not in agreement with. That wasn't 13 the end of our conversation or our meets with 14 her. 15 BY MR. KING: 16 Q. You had other conversations with 17 Dr. Arjmand? 18 A. Yeah. When I returned with my 19 letter -- 20 Q. Right. 21 A. -- she wasn't happy with the way the 22 letter was stated. 23 Q. Okay. 24 A. She expressed that concern and I think	1 A. Do you want to know more about the 2 Dr. Arjmand meeting, the second one? 3 Q. Not right now. 4 A. Okay. Because it didn't stop there. 5 (Whereupon, Echeverria 6 Deposition Exhibit No. 20 was 7 marked for identification.) 8 BY MR. KING: 9 Q. Officer Echeverria, I'm showing you 10 another medical record from Dr. Sternic and it's 11 been marked as Deposition Exhibit No. 20. And 12 it refers to an encounter date of 3/3/2014. 13 Our records that we received indicate 14 that this was the first visit to Dr. Sternic 15 after you came back from medical leave. Is 16 that -- do you know whether that's true or not? 17 A. It could be. I mean, if that's what 18 she says, then yeah. 19 Q. Okay. And in this visit, it indicates 20 that you were seeing her -- the reason for the 21 visit was a cough. 22 A. Yeah. 23 Q. And she says this is a new problem, 24 correct?
Page 282	Page 284
1 that's where this letter comes to play. 2 Q. So what you're saying was 3 Dr. Arjmand -- 4 A. She denied saying what she said, is 5 what I'm saying. 6 Q. Okay. 7 A. And that's -- that's what this letter 8 kind of entails. 9 Q. Okay. 10 A. And I told Dr. Arjmand, well, she's a 11 medical professional, Dr. Sternic is a medical 12 professional, Dr. Ruzycki is a medical 13 profession, maybe you should express your 14 concern with them. 15 Q. Okay. 16 A. And I can't dictate to my doctor what 17 they write or don't write. Those are medical 18 professionals. 19 Q. Sure. 20 A. And she agreed. I guess she only made 21 contact with Dr. Ruzycki. When I asked 22 Dr. Sternic, Dr. Sternic said she never received 23 any correspondence from Dr. Arjmand. 24 Q. Okay.	1 A. Yeah, a cold or something. 2 Q. Okay. I assume you're not claiming 3 your cold was a result of retaliation by 4 Defendants? 5 A. Maybe. You never know. 6 Q. You'll give me that one, won't you? 7 A. I'll give you that one. 8 Q. All right. Thank you. 9 A. Touché. 10 Q. Do you recall as you sit here whether 11 you've seen Dr. Sternic since March 3rd of 2014? 12 A. Like I said, I saw her recently. I 13 can't tell you. 14 Q. Okay. Do you recall what you were 15 seeing her for recently? 16 A. Again, the hypertension is always 17 something she checks. 18 Q. Okay. So just periodic appointments? 19 A. Yeah. Just -- 20 Q. Okay. 21 A. -- a wellbeing check, I guess, 22 maintenance. 23 24

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<p>1 (Whereupon, Echeverria 2 Deposition Exhibit No. 21 was 3 marked for identification.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Officer Echeverria, I'm showing you 6 another document that's been marked as 7 Defendants' Exhibit 21. It's a letter from U.S. 8 Health Works of Dr. Lynsey Stewart.</p> <p>9 A. Yeah, that's the -- yeah, okay.</p> <p>10 Q. That's the person you saw for a 11 physical examination?</p> <p>12 A. Yeah, I knew it was at the Towers 13 there.</p> <p>14 Q. Okay, right. 614 West Monroe?</p> <p>15 A. Right.</p> <p>16 Q. And she indicates that she performed a 17 mandatory physical examination on November 25, 18 2013; is that correct?</p> <p>19 A. Yeah.</p> <p>20 Q. And later down she indicates some 21 results of the examination, blah, blah, blah.</p> <p>22 If you go to Number 3, she says, the patient has 23 a diagnosis of adjustment disorder and saw a 24 therapist in the past but is not currently in</p>	<p>Page 285</p> <p>1 THE WITNESS: What symptoms, stress, 2 hypertension? I mean, I don't know.</p> <p>3 BY MR. KING:</p> <p>4 Q. The doctor writes that you saw a 5 therapist in the past but you're currently not 6 in therapy.</p> <p>7 A. That's inaccurate.</p> <p>8 Q. And that you reported no current 9 symptoms. Would you agree that you reported to 10 her that you were not having any current 11 symptoms that would --</p> <p>12 A. I told her -- that is inaccurate. As 13 far as current symptoms, that might be accurate.</p> <p>14 Q. Okay.</p> <p>15 A. I told her I did see a therapist.</p> <p>16 Q. Okay.</p> <p>17 A. And, in fact, she said -- she 18 acknowledged it.</p> <p>19 Q. Okay. So you think she's inaccurate 20 when she says you weren't currently in therapy?</p> <p>21 A. Correct. Because there's dates.</p> <p>22 Q. That's fine.</p> <p>23 A. With Dr. Sternic's letters -- I mean, 24 Dr. Ruzicki's letters that I have seen her</p>
<p>1 therapy. Was that correct at that time?</p> <p>2 A. If that's what she wrote, yeah.</p> <p>3 Q. Okay. And then she writes that you 4 reported no current symptoms. Is that --</p> <p>5 A. I'm sorry, what -- hold on a second.</p> <p>6 What's this date? November? No, I still would 7 see Dr. Ruzicki by then. So that's wrong.</p> <p>8 Q. Okay. She writes that in your 9 examination on that date, you reported no 10 current symptoms. Do you think that's correct?</p> <p>11 A. Yeah, I told her. She asked me why was 12 I seeing a therapist and I told her. And then 13 she said, okay.</p> <p>14 Q. Okay.</p> <p>15 A. Okay.</p> <p>16 MR. KING: Can you read back his 17 answer?</p> <p>18 (Whereupon, the record was read 19 as requested.)</p> <p>20 BY MR. KING:</p> <p>21 Q. Do you think it's correct that she 22 indicates in here that you reported no current 23 symptoms at that point in time?</p> <p>24 MR. SMITH: I'm going to --</p>	<p>Page 286</p> <p>1 after.</p> <p>2 Q. Right.</p> <p>3 A. I'd even seen her after I came back.</p> <p>4 Q. I understand that.</p> <p>5 A. So that would be inaccurate.</p> <p>6 Q. Okay.</p> <p>7 A. Maybe a typo.</p> <p>8 Q. That's fine.</p> <p>9 MR. KING: Let's break for a few 10 minutes.</p> <p>11 (Whereupon, a short break was 12 taken.)</p> <p>13 BY MR. KING:</p> <p>14 Q. Officer Echeverria, you testified that 15 on one or more occasions, you asked Chief Juan 16 Rivera to open a CR; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Other than Chief Rivera, did you 19 ask any of the other individual Defendants in 20 the case, specifically did you ask them to open 21 a CR?</p> <p>22 A. Sadowski.</p> <p>23 Q. Okay.</p> <p>24 A. Agent Stanley.</p>

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Page 289		Page 291
1	Q. Okay.	1 indirectly in the outcome of this action.
2	A. And I already testified to their	2
3	answers.	3 IN WITNESS WHEREOF, I do hereunto set my
4	Q. Okay. Is that it?	4 hand at Chicago, Illinois, this 10th day of
5	A. Yes.	5 December, 2014.
6	Q. Okay.	6
7	MR. KING: I don't think I have any	7
8	further questions.	8
9	MR. SMITH: Okay. We'll reserve.	9
10	FURTHER DEPONENT SAITH NOT.	10
11	(The deposition concluded at	11
12	2:39 p.m.)	12
13		13
14		14
15		15
16		16
17		17
18		18
19		19
20		20
21		21 Certified Shorthand Reporter
22		22 CSR Certificate No. 084-004022
23		23
24		24
Page 290		Page 292
1	CERTIFICATE OF OFFICER	1
2		2
3	I, SUSAN HASELKAMP, a Certified Shorthand	3
4	Reporter of the State of Illinois, do hereby	4
5	certify:	5
6		6
7	That previous to the commencement of the	7
8	examination of the witness, the witness was duly	8
9	sworn to testify the whole truth concerning the	9
10	matters herein;	10
11		11
12	That the foregoing deposition transcript	12
13	was reported stenographically by me, was	13
14	thereafter reduced to typewriting under my	14
15	personal direction and constitutes a true record	15
16	of the testimony given and the proceedings had;	16
17		17
18	That the said deposition was taken before	18
19	me at the time and place specified;	19
20		20
21	That I am not a relative or employee or	21
22	attorney or counsel, nor a relative or employee	22
23	of such attorney or counsel for any of the	23
24	parties hereto, nor interested directly or	24
		I N D E X
		EXAMINATION
3 WITNESS		3
4 DANIEL ECHEVERRIA,		By Mr. King.....
5		10
6		44
7		45
8		56
9		123
10		145
11		195
12		198
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16		221
17		242
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20		259
21		267
22		273
23		275
24		283
		285
E X H I B I T S		MARKED FOR ID
10 NUMBER		Echeverria Deposition Exhibit

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1 DEPOSITION ERRATA SHEET Page 293  
2 Assignment No. 239707  
3 Chicago Police Officers Shannon Spalding and  
4 Daniel Echeverria vs. City of Chicago, et al.  
5 DECLARATION UNDER PENALTY OF PERJURY  
6  
7 I declare under penalty of perjury that I  
8 have read the entire transcript of my Deposition  
9 taken in the captioned matter or the same has  
10 been read to me, and the same is true and  
11 accurate, save and except for changes and/or  
12 corrections, if any, as indicated by me on the  
13 DEPOSITION ERRATA SHEET hereof, with the  
14 understanding that I offer these changes as if  
15 still under oath.  
16  
17 Signed on the \_\_\_\_\_ day of  
18 \_\_\_\_\_, 2014.  
19  
20 \_\_\_\_\_  
21 DANIEL ECHEVERRIA  
22  
23  
24

1 DEPOSITION ERRATA SHEET Page 294  
2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
3 \_\_\_\_\_  
4 Reason for change: \_\_\_\_\_  
5 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
6 \_\_\_\_\_  
7 Reason for change: \_\_\_\_\_  
8 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
9 \_\_\_\_\_  
10 Reason for change: \_\_\_\_\_  
11 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
12 \_\_\_\_\_  
13 Reason for change: \_\_\_\_\_  
14 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
15 \_\_\_\_\_  
16 Reason for change: \_\_\_\_\_  
17 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
18 \_\_\_\_\_  
19 Reason for change: \_\_\_\_\_  
20 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_  
21 \_\_\_\_\_  
22 Reason for change: \_\_\_\_\_  
23 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
24 DANIEL ECHEVERRIA

<u>OFFICER</u>	<u>BEAT</u>	<u>ROLE</u>	<u>O_LAST</u>	<u>O_FIRST</u>	<u>IR_NO</u>	<u>CB_NO</u>	<u>STAT_DESCR</u>	<u>TYPE</u>	<u>ARREST_DATE</u>
ECHEVERRIA,DANIEL	5754	AAO	DILLARD	TIERRA	1832713	18433424	ISSUANCE OF WARRANT		21-Jun-2012
ECHEVERRIA,DANIEL	5752	FAO	RHODES	CORNELL	1728230	18430588	ISSUANCE OF WARRANT		17-Jun-2012
ECHEVERRIA,DANIEL	5752	AAO	BLACKWELL	DENAE	2037635	18430576	ISSUANCE OF WARRANT		17-Jun-2012
ECHEVERRIA,DANIEL	5752	FAO	TURNER	JERREL	1901564	18428506	ISSUANCE OF WARRANT		14-Jun-2012
ECHEVERRIA,DANIEL	5752	FAO	KRABBE	EDWARD	2165586	18426901	VIOL SEX OFFENDER REGISTATI	F	12-Jun-2012
ECHEVERRIA,DANIEL	5752	AAO	MORGIA	JOSE	1371109	18424289	ROBBERY	F	08-Jun-2012
ECHEVERRIA,DANIEL	5752	AAO	REED	SHAUNDE	1283051	18422602	ISSUANCE OF WARRANT		06-Jun-2012
ECHEVERRIA,DANIEL	5752	FAO	COOK	MARCUS	743115	18422596	ISSUANCE OF WARRANT		06-Jun-2012
ECHEVERRIA,DANIEL	5752	FAO	PALM	RENATA	775322	18419873	BATTERY - CAUSE BODILY HAR	M	02-Jun-2012
ECHEVERRIA,DANIEL	5752	AAO	BARNES	AARON	1905141	18414715	MURDER - FIRST DEGREE	F	25-May-2012
ECHEVERRIA,DANIEL	5754	AAO	GORDEN	JAMES	351892	18403176	DOMESTIC BATTERY - PHYSICA	M	09-May-2012
ECHEVERRIA,DANIEL	5752	FAO	MOORE	DARCEL	827207	18400370	ISSUANCE OF WARRANT		05-May-2012
ECHEVERRIA,DANIEL	5752	SAO	COOK	ALLEN	1951186	18399556	BURGLARY/SCH/DAY CARE/WO	F	04-May-2012
ECHEVERRIA,DANIEL	5752	AAO	PINKERTON	JESSE	1360917	18398207	MURDER - FIRST DEGREE	F	02-May-2012
ECHEVERRIA,DANIEL	5752	SAO	BROWN	LAMONT	2020043	18394602	BURGLARY - RESIDENTIAL	F	27-Apr-2012
ECHEVERRIA,DANIEL	5752	AAO	HOUSTON	GREGORY	777585	18389469	ISSUANCE OF WARRANT		20-Apr-2012
ECHEVERRIA,DANIEL	5752	AAO	GREEN	JOHN	1506608	18389449	AGG BATTERY/DISCHARGE FIR	F	20-Apr-2012
ECHEVERRIA,DANIEL	5752	FAO	BROWN	ISHANNA	1919741	18388831	BATTERY - MAKE PHYSICAL CO	M	19-Apr-2012
ECHEVERRIA,DANIEL	5752	SAO	MORRIS	LASHORA	1108937	18383842	BATTERY - CAUSE BODILY HAR	M	12-Apr-2012
ECHEVERRIA,DANIEL	5752	SAO	NASH	MARTELL	1254261	18378831	DOMESTIC BATTERY - BODILY H	M	05-Apr-2012
ECHEVERRIA,DANIEL	5752	AAO	ALEXANDER	ZAVTER	1632311	18377372	AGG BATTERY/PEACE OFFICER	F	03-Apr-2012
ECHEVERRIA,DANIEL	5752	FAO	POUNCY	TROY	1772691	18377263	CANNABIS - POSSESS 30-500 GRM	F	03-Apr-2012
ECHEVERRIA,DANIEL	5753	AAO	STARKEY	LUTHER	1332690	18373184	ISSUANCE OF WARRANT		28-Mar-2012
ECHEVERRIA,DANIEL	5752	AAO	HOWARD	KIMANTI	1497596	18372529	DOMESTIC BATTERY - BODILY H	M	27-Mar-2012
ECHEVERRIA,DANIEL	5753	AAO	DOTSON	JOHN	484820	18372404	AGG BATTERY/GREAT BODILY H	F	27-Mar-2012
ECHEVERRIA,DANIEL	5752	AAO	BONDS	YASHUA	1262976	18370495	DOMESTIC BATTERY - BODILY H	M	24-Mar-2012
ECHEVERRIA,DANIEL	5752	AAO	BERNARD	WALTER	1034707	18368797	ISSUANCE OF WARRANT		22-Mar-2012

PENGAD 800-631-6989

EXHIBIT 7

Echeverria  
12-2-14SA